

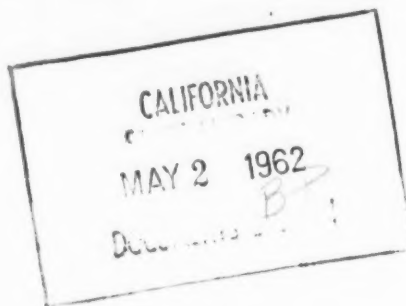
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SENATE FACT FINDING COMMITTEE ON NATURAL RESOURCES

Salmon Regulations and Problems Related Thereto,  
Monterey Area, [Transcript of Hearing]

Asilomar State Park, Pacific Grove,  
April 14, 1960, 7



J. HOWARD WILLIAMS, Chairman  
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Randolph Collier  
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### Registration

Mr. Sal J. Balesteri, Sam's Fishing Fleet, Monterey  
Mr. Louis B. Burns, Pacific Cement and Aggregates, Marina  
Mr. John Crivello, Seine and Line Fishermen's Union of Monterey  
Mr. Edmund Kohlhauf, Associated Sportsmen of California, Colma  
Mr. John P. Gilchrist, Northern California Seafood Institute, Tyee Club  
Mr. E. A. Kelley, California Wildlife Federation, Salinas  
Mr. Ted M. Roberts, Pacific Cement and Aggregates, Seaside  
Capt. Howard V. Shebley, Department of Fish and Game, Monterey

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Asilomar State Park, Monterey, California, April 14, 1960, 2:15 p.m.

CHAIRMAN WILLIAMS: You ladies and gentlemen in the back of the room, if you care to move forward, please feel free to do so.

SENATOR FARR: Mr. Chairman, I wonder if we might not invite Assemblyman Alan Pattee to sit up here with us?

CHAIRMAN WILLIAMS: I was going to do that.

ASSEMBLYMAN PATTEE: It's very kind of you, but I am going to have to leave very shortly, so I'll sit here with the boys for a few moments, and then I'll run.

CHAIRMAN WILLIAMS: All right. We are very happy to have you with us, Alan.

ASSEMBLYMAN PATTEE: Thank you, very much.

CHAIRMAN WILLIAMS: Please feel free to take part in our deliberations.

Now, to start this hearing off, let me make a few preliminary statements.

This is the Senate Fact Finding Committee on Natural Resources meeting under the authorization of Senate Resolution 135 of the 1959 Regular Session. The committee has been considering problems involved in the preservation of salmon spawning areas for the last three days, Sacramento, Stockton and up at Red Bluff.

The meeting here in Pacific Grove was called to consider certain alleged conflicts in the Fish and Game Code regulating the taking, possession and sale of salmon as well as any other recommendations relating thereto.

Before we call any of the witnesses, I want to introduce the members of the committee, and I hope that you people will keep this meeting just as informal as we can, not following any protocol at all.

At the far end of the table is Mr. DeChambeau, of the Legislative Counsel's Office in Sacramento. Immediately on my right is Senator Virgil O'Sullivan, who lives in the Town of Williams, California, and I am Williams -- not from there but Porterville -- The gentleman on my immediate left is Mr. Ford, who is the secretary of the committee, and certainly the gentleman right on his left doesn't need an introduction to this area, but to be sure that his name is in the record: he is Fred Farr, your Senator, a man we enjoy working with very much in Sacramento, and Senator Erhart is at the far end of the table there from Arroyo Grande, down the coast a ways, and the gentleman running the tape recording machine is Mr. Hook, the Sargeant-at-Arms.

This subject of the seasons on the taking of salmon was given to this committee by the powerful, I should say, all-powerful Rules Committee of the Senate, and that's why we happen to have the issue here today, because it was assigned to the Natural Resources Committee and because we thought we would like to get down in the area where you do have salmon, why, we would come here to your county and hold a hearing here, and when I suggested that to your Senator, he was very agreeable, would be happy to have us come down into his area, and you are having a beautiful day for us here.

I notice that we have a slip signed by Louis B. Burns.

Is he in the audience?

MR. BURNS: Yes.

CHAIRMAN WILLIAMS: Mr. Burns, are you -- Your presentation, was that to do primarily with the question of aggregate removal in the salmon beds?

MR. BURNS: Well --

CHAIRMAN WILLIAMS: Or was it to do with the seasons?

MR. BURNS: Well, I heard of the committee meeting this morning at 8:00 and didn't know at the time what the thing was going to be all about, so I thought I would come over and find out if there was anything that pertains to our industry or connected with it.

CHAIRMAN WILLIAMS: Well, for the last three days we have been hearing that subject of salmon spawning beds and the gravel, rock and sand removal from the streams, and I wondered if you wanted to make a presentation which would continue on with what we have been hearing for the last few days. We would be happy to hear you.

MR. BURNS: I don't think so, because we have these operations down here, and I don't know that that would have any effect on--

CHAIRMAN WILLIAMS: No, it wouldn't. Yours is directly to the south?

MR. BURNS: We are a little bit north of here.

CHAIRMAN WILLIAMS: But there isn't any salmon spawning problem there, is there?

MR. BURNS: No, I don't think so, and I wasn't sure what it was all about, so I thought I would come over.

CHAIRMAN WILLIAMS: Well, if later on during the course of the hearing you care to make a statement, why please feel free to do so.

MR. BURNS: All right. Thank you very much.

CHAIRMAN WILLIAMS: Where is Senator Hollister?

MR. FORD: He went out to telephone.

CHAIRMAN WILLIAMS: Senator Hollister, from Santa Barbara, was just here. He'll be back shortly. We will proceed.

Now, Senator Farr, I wonder if you have any opening statement you would like to make?

SENATOR FARR: Well, I might say, Senator Williams and members of the committee, it has been brought to my attention the problem the committee might desire to discuss and that is the question of whether or not salmon that are caught during the open commercial season should be held and sold during the closed season, whether or not it would be advisable to have those salmon tagged, which, I understand, has been the practice up in Del Norte and Humboldt Counties, up in northern California. There is some problem here of people going on-- sport fishermen, some of them, bringing salmon in and they are sold, and it is very hard for the department to ascertain whether or not the fish that are caught elsewhere and brought into this area, whether or not they are fish that are caught on a sporting license, and I just wanted to throw that subject open for discussion.

CHAIRMAN WILLIAMS: All right, thank you very much, Senator.

I wonder, Mr. Pattee, if you have any remark which you

would care to make?

ASSEMBLYMAN PATTEE: Well, I knew you were going to have a meeting, and I was very interested to come over and find out just exactly what was going to go on, and that is the reason I am here, Senator. Thank you.

CHAIRMAN WILLIAMS: All right, fine.

Now, the first witness I am going to call is Mr. Walter Shannon, Director of the Department of Fish and Game. I will ask him to try and give a resume' of salmon regulations, so we can start off the hearing.

For the witnesses, as they are called, if they will come in and be seated at this table and make themselves comfortable. The microphone is directly here in front of you, and it will pick up the voice of anyone. I will ask you to speak as reasonably loud as possible so that those in the back of the room can hear because your backs will be to them. Some of you in the back of the room may wish to move up to these first row chairs. If you can't hear, please hold up your hand so we can adjust it so you can.

All right, Mr. Shannon, if you please.

MR. WALTER SHANNON, Director, Department of Fish and Game

MR. SHANNON: Mr. Chairman and members of the committee, Shannon is my name, representing the Department of Fish and Game.

I think the comments that I have here will relate to Senator Farr's remarks, and the question that he proposed.

The Senate Fact Finding Committee has asked the department to review



and report on possible changes in the laws concerning the sale of salmon.

The first change that the committee proposed reads as follows:

"Delete from the Fish and Game Code, Article 4, Salmon Section 8213, which governs the sale of salmon during the closed commercial season. Regulations have been made by the Fish and Game Commission governing the sale of salmon during the closed season, but no control is given, such as tagging. (Section 166, Title 14). Section 8213 is diametrically opposed to Section 8215, which states in part that salmon may not be sold, possessed or transported through Districts 6, 7, 10, 11, 15, 16, 17 or 18 during the time when the taking of salmon for commercial purposes is unlawful in these districts."

What are the facts surrounding this situation? The problems resulting from these laws begin with the opening of the sport season in mid-February and are most obvious between that time and the opening of the commercial season in mid-April, which is approximately two months, that the sports season is open before the commercial season opens.

During this period, some fisherman apparently sell salmon caught under a sports angling license. This sale of sports-caught salmon, however, continues during the open commercial season but is not so obvious because of the presence of commercially-caught fish on the market.

Now, we have no way to measure the extent of violations of this kind nor of the quantity of sports-caught fish on the market. However, we believe that the fish and fishermen involved in the violations represent only a very minor percentage of the fishery, sport and commercial. However, this does not make the problem less, but you take everything into consideration, it is probably a minor percentage of the fishery, but nevertheless in this area it is a problem that has arisen perennially, and probably will continue until some solution is found.

The conflict between sections 8215 and 8213 pointed out, could readily be rectified by adding to section 8215, the wording: "except under regulations of the Commission". That's one possibility. I'll talk about other possibilities here a little bit later.

Now, the second change the committee proposed -- I am not saying the committee "proposed" these changes, but the committee offered them for discussion -- I don't believe the committee proposes these changes at this time. "During the period when sport fishing for salmon is open -- prior to the opening of the commercial season -- fresh salmon are being offered for sale." (There is no control on account of section 8213 of the Fish and Game Code and Section 166 of Title 14.)

Under the present laws and regulations such alleged sale is almost impossible to control because of two factors. The first of these may be said to be that no method has been established to determine the freshness of salmon found in markets or restaurants. For instance, if a Fish and Game Warden enters an establishment and

finds salmon for sale, the stock answer can easily be (and usually is) that the fish in question has been stored frozen since the prior season. There have been attempts to work out a moisture content or drip test to prove or disprove this statement, but efforts to establish such criteria have not been successful.

I might amplify this just a little bit, that is, that during the two months that the sports season is open, and the commercial season is closed, from February 15th approximately to April 15th, people go out and catch salmon under the guise of being sports fishers, and this doesn't mean that they're sportsmen, they could be commercial people, too. But they can catch three salmon, and they bring these salmon in and introduce them into the commercial market, and they are sold commercially.

CHAIRMAN WILLIAMS: Mr. Shannon, let me interrupt you right at that point. Could a man with a commercial fishing license go out during the sporting season, sport fishing season, and bring back three salmon?

MR. SHANNON: He would have to have a sports fishing license.

CHAIRMAN WILLIAMS: Can you have both?

MR. SHANNON: Yes, you can have both.

CHAIRMAN WILLIAMS: You could have both. All right.

MR. SHANNON: If he goes out when the commercial season opens and catches fish, then he would have -- for sale -- then he would have to have a commercial license.

CHAIRMAN WILLIAMS: Well, then, perhaps I am confused here. That is what I would call a "party boat" that handles

sport fishermen, cannot have a commercial license, too? Is that right?

MR. SHANNON: Well, a person fishing on a sport boat cannot fish commercially. In other words, a sports party boat, cannot carry people fishing commercially.

CHAIRMAN WILLIAMS: Even though the fishermen had a --

MR. SHANNON: Commercial license.

CHAIRMAN WILLIAMS: -- commercial license. He still can't use it on a sports fishing boat.

MR. SHANNON: That's right.

CHAIRMAN WILLIAMS: All right.

MR. SHANNON: Now, during this period of two months, whoever they may be -- let's just say they are fishermen -- they go out and catch, say, three salmon and bring them in and introduce them into the market, and they are sold. Now, when our wardens go to check the market, for instance, the market says, "Well, these are salmon that have been frozen, and they are thawed," and they are selling them. That is the usual excuse, and to date it is very difficult to prove.

Now, there are tests which will prove whether or not the fish have been frozen, but as a practical matter what a warden needs is -- that's why I'm qualifying this statement here, when I say "efforts to establish such criteria here have not been successful". Our people and others can tell when fish have been frozen, but in most cases, these are minor amounts of fish, and what the warden



needs is a field test. He goes in here, and here's a half dozen fish or three fish, or one fish, even. He would -- if we could develop some sort of a field test which would tell him whether or not this fish had been frozen. If the fish is fresh, of course, it has been caught and introduced into the market outside of the regular commercial season, but if it is frozen, it could have been held over.

What we really need is a good, simple field test, which we don't have at this time.

The second factor making control of salmon sales difficult or impossible is that to make an arrest for violations a warden has to observe the actual sale and exchange of money. Both uniformed and undercover wardens have been frustrated in such attempts.

Those few sport fishermen and market operators carrying on this practice have a stock answer here, too. If a salmon sport fisherman is followed to a market by an undercover man, it seems to be the practice that both fisherman and market operator agree that the fisherman's only purpose is to have his fish cleaned by the market. The fish can be left -- even in the warden's presence -- and the angler can come back at another time to get his payment and no violation is observed. In other words, it is very difficult because he can leave his fish there, and he can come back at another time, or the money can be sent to him in the mail. There are all kinds of ways of getting around this.

Regulations designed to control this problem have been tried, have been prescribed by the Fish and Game Commission, but so far have been rather unsuccessful. We don't feel that a burden



should be placed on the legitimate commercial fisherman, either, that is, to any extent, in order to correct an ill that's caused by a relatively small number of sports fishermen.

The problem of sport-caught salmon being sold is centered mainly here in the Monterey area. It is of limited consequence elsewhere, and if the problem seems to be of significant importance to this committee, a concurrent opening of the sport and commercial seasons in the Monterey Bay area on April 15th would solve it. However, we do not recommend it, for reasons that we will point out later.

A third change which the committee offered for consideration was "The commercial season for taking salmon opens April 15 and closes September 15. The sport fishing season for taking salmon opens the Saturday nearest February 15 and closes the Sunday nearest November 15th. It is recommended that these two seasons start and end concurrently, with the suggested season as being April 1 to September 30th."

Our analysis of this follows: we must point out that it does not take into consideration the coastwise effect that opening the commercial season earlier would have. The present commercial season is in effect along the entire Pacific Coast of the Continental United States. Such uniformity was brought about after considerable work by the Pacific Marine Fisheries Commission to arrive at a most suitable date. It's important that this season open all along the coast at the same time, and if we open the California season earlier, it is virtually certain that Oregon and Washington would follow suit in

order to allow their people to fish.

A coastwide season beginning earlier than April 15th would subject salmon from the Sacramento River spawning system to a much heavier commercial fishing pressure off of Washington and Oregon. In other words, they would have two weeks at the beginning of the season, and, I think, two weeks at the end of the season that they would subject these fish to additional pressure. By the present opening date of April 15, much of the salmon spawned in California in California's inland waters have moved down out of Oregon and Washington into California coastal waters. For this reason, we cannot recommend a change in the commercial salmon season at this time. As probably you people know, the salmon that are spawned in the Sacramento River, which is our principal spawning area, move out and go up the coast and are caught off of Oregon and Washington and occasionally off of the coast of Canada, so that they -- we supply quite a few fish out of the Sacramento River system for Oregon and Washington.

CHAIRMAN WILLIAMS: Mr. Shannon, let me interrupt you once more, please. Now, the Pacific Marine Fisheries Commission in cooperation with the States of Oregon and Washington have agreed upon this date for the commercial season. Is that right?

MR. SHANNON: That's right.

CHAIRMAN WILLIAMS: Now, what about the sports season in Washington and Oregon as compared to California. Is that a united effort on the part of the three states to have it come in at the same time, or do they --

MR. SHANNON: I am not sure whether their sport season coincides or not. Do you know?

MR. RIPLEY: I'm afraid I don't know.

MR. SHANNON: The main problem here is with the commercial season.

CHAIRMAN WILLIAMS: Because that's the heavy take?

MR. SHANNON: And that's -- The commercials, of course, vary from one state to another, up and down the coast, whereas your sport fisherman generally operates within a few miles of his respective port, but the commercials, of course, would go wherever -- could and do go wherever the season would open first.

CHAIRMAN WILLIAMS: All right. You go ahead.

MR. SHANNON: As for the existing sports season on salmon, and that is opening two months earlier, it gives an opportunity for anglers to enjoy a wholesome and an esthetically rewarding experience. Sports fishermen catch, say, from 15 to 20 percent of the salmon off the California coast. This combined with the commercial catch, we feel, is about what the fishery at this time seems able to afford, or to support. Curtailing the sports fishery now, we believe, would only reduce the opportunity for sportsmento take their share of the harvestable salmon crop without any real benefit to the fishery as a whole. Here, too, then, we do not recommend any change in the sports season for salmon.

After reviewing the proposals respecting control of the sale of the sport-caught salmon, particularly in the Monterey area, we believe that they would create more problems of a more

serious nature than they would eliminate.

The tagging of salmon which are sold or held for sale during the time the commercial salmon season is closed might have some possibilities. In fact, I believe it does have some possibilities. There are weaknesses in the salmon law section in the code, and perhaps these could be corrected at the next session of the Legislature.

As previously recommended along these lines, section 8215 could be amended to include sale, possession and transport in the stated districts under regulations of the Commission. Now, to really tighten up the whole problem of sale of salmon during the closed season, another section, 8216, could be added to the code which would state as follows:

"Salmon may not be sold or possessed in or transported through any inland district except under regulations of the commission when the taking of salmon for commercial purposes is unlawful under section 8210."

Now, in considering this recommendation that we made here of another section, after typing this recommendation, I rather feel that it would be better to take the two sections that are now in there, that might be in conflict, as the committee has brought forth, or are not quite in the same vein, you might say, that possibly the better thing to do rather than add a new section would be to take the present two sections and draft a new section which would incorporate what we propose as a new section, and incorporate the necessary things that are in these other two sections and make one section out of it, rather than add a third section. I think this could be done,



which would cover the entire situation, without keeping two old sections and adding a new one.

CHAIRMAN WILLIAMS: Well, Mr. Shannon, let me interrupt you a third time now, please. This section that you suggested, 8216, salmon caught under a sports fishing license, a person might possess that by having some designated permit from the Commission. Is that right? Is that what you propose here?

MR. SHANNON: No, it would be on the other end of this thing. What we would be thinking would be that we would have an all inclusive section in the code which would provide that any fish caught during the commercial season, which was going to be sold during the closed season, would have to be tagged with a warden there, so that we would have all these commercial fish tagged.

Now, we have to work out the mechanics on this thing, but if any fish then was introduced in the market which wasn't tagged, why it obviously would be a sport-caught fish, during this two-month period.

SENATOR ERHART: Couldn't they still say, "We caught it the previous season?"

MR. SHANNON: Well, we would have to provide that --

SENATOR ERHART: Excuse me, Senator.

CHAIRMAN WILLIAMS: Go ahead. Go ahead.

MR. SHANNON: We would have to provide that the commercial fish taken during the commercial season, if they were going to be held over, would have to be tagged. Now, sometimes they are held over and not sold during the closed season. They are held over a full season. Maybe they are sold the following season. In that case, we



might make some regulation that if the operator wanted and knew in advance that he was going to hold over, say, a considerable number of fish through the closed season that he would put these in a bonded warehouse, couldn't be removed during the closed season. There are a number of different ways to work this, but this tagging has some possibilities, and we plan to try to figure out an angle that will cover the whole situation.

SENATOR FARR: Why couldn't he at the end of the open season if he's got salmon left over tag them then?

MR. SHANNON: That's what I mean, yes. We would say in effect that everybody who has salmon that are caught during the commercial season and are not going to get rid of them by the end of the commercial season within two weeks, say, or by the end of the commercial season, these fish have to be tagged, and after they are tagged in the course of the regulations then they can be sold during the closed season.

Now, perhaps in addition to that we should say that such fish shall not be filleted or, you know, cut into cross-sections, because-- you can't -- if the whole fish were kept in the market with the tag on it, to show that it was taken during the open commercial season, and as a customer came in the fish was sliced, as many slices as a customer wants, that fish would still be identified through the tag as having been caught in the open commercial season.

SENATOR FARR: What if he fillets the whole thing in the commercial season and then keeps the fillets over?

MR. SHANNON: Well, I don't know whether that would cause trouble or not. Do you know?

MR. HOWARD V. SHEBLEY: What was that?

MR. SHANNON: Supposing he-- One of the troubles we have had in situations similar to this is to identify the fish. Now, I think we could identify salmon. That is, if he filleted one of the salmon during the open commercial season and holds them over, tagged fillets.

MR. SHEBLEY: We would pretty near have to prohibit it, but I don't see that it would pose any problem. As the season approached the close, they could get rid of their filleted fish. Most of those fellows hold it whole anyway and slice it for the customer. That is the usual procedure.

SENATOR FARR: To what extent, how much -- maybe Mr. Crivello, who is a member of the Pacific Marine Fisheries Commission and has the Fishermen's Union here, how much --

CHAIRMAN WILLIAMS: Suppose he comes up to the table here so that we can be sure we catch his remarks on the microphone. Would you give your name, please, just so we will have it on the tape?

MR. CRIVELLO: My name is John Crivello.

CHAIRMAN WILLIAMS: Now go ahead, Senator.

SENATOR FARR: Mr. Crivello, how much commercial salmon would you say is held over at the end of the season, in the Monterey Bay area? Is there very much of it?

MR. CRIVELLO: Well, I would say there is quite a bit. We have two or three freezers here locally in Monterey where there is an opportunity to freeze salmon. I would say it would be quite a bit as a possibility, but I have no exact figures on the amount of tonnage that is left over. I don't have the figures with me.

MR. SHANNON: I might say that this is not unique. We have done similar things in relation to other fish. I don't think the volume would be too great for us to handle, because you see the Del Norte, Humboldt and Mendocino Counties now have a provision for tagging, so it would be south of Mendocino, and in this area the fish would have to be tagged. Now we handled lobsters like this before. We didn't tag them, but we marked them, and we handle surf perch to some extent now on this line, where they are going to be shipped south of a certain line.

SENATOR ERHART: Mr. Chairman?

CHAIRMAN WILLIAMS: Yes.

SENATOR ERHART: Isn't there some kind of shipping between Oregon and California?

MR. SHANNON: Yes.

SENATOR ERHART: Does Oregon tag fillets when they bring Oregon fish in here?

MR. SHANNON: Well, they have to be tagged -- Our provision would provide that these fish coming in would have to be tagged. They have to be tagged now if they come into those three counties up there, or cross through those three counties.

SENATOR ERHART: During the closed season or any time?

MR. SHANNON: Well, during the closed season.

SENATOR ERHART: They have to be tagged. Why?

MR. SHANNON: Well, so that-- Because the season is closed up there.

SENATOR ERHART: We don't tag now down here, do we?

MR. SHANNON: Well, we tag on the-- What would happen,

Senator, is that if we establish this kind of a regulation, we wouldn't allow the importation of Oregon fish unless they were tagged, you see. So, this is done in other things, too, cat fish, for instance, coming into California have to be tagged.

SENATOR ERHART: If you are going to tag all those fish, you are going to have to have a lot more men than you have now.

MR. SHANNON: Well, I think we could --

SENATOR ERHART: It involves how many tons of fish, thousands of fish, or what? It certainly would involve a lot of fish, would it not?

MR. SHANNON: Well, I don't know the amount of fish coming in from Oregon, but I don't think there is an awful lot of fish coming in.

SENATOR ERHART: I mean all the fish in this state, if you had to tag all the fish at the end of the season.

MR. SHANNON: Well, it would only be those fish going to be held over, you see.

SENATOR FARR: For commercial use.

MR. SHANNON: For commercial use. Now, we already do this in those three counties of Mendocino, Humboldt and Del Norte, and also in Title 14 at present in relation to those three counties, it provides that such tagging shall be done at the expense of the operators, so the same provision would apply which would not throw an additional expense on the state, and which is good, because this brings about efficiency. They get the thing done much faster.

SENATOR FARR: Does the operator do it himself?

MR. SHANNON: Well, usually, yes. In other words, he

may put a man or two on tagging fish, and there is a warden there.

SENATOR ERHART: You mean to say that if it is done by the fisherman it is done more cheaply?

MR. SHANNON: No, what I meant to say was that when they are paying for the cost of the tagging, they do it a lot faster.

SENATOR ERHART: Than what you could do it.

MR. SHANNON: Well, if the state were paying for it, I don't think they would worry so much how much time it took or how long. Of course, a lot of conscientious operators would, but the fact that they are required to pay for the tagging expedites procedures, we'll say.

CHAIRMAN WILLIAMS: Mr. Shannon, what is the average take of salmon on the California coast, commercially and sports-wise? Is there any record as to tonnage or number of fish?

MR. SHANNON: Yes. Do you have those?

CHAIRMAN WILLIAMS: Can somebody give us that figure?

MR. RIPLEY: It was estimated last year about 50,000 fish were taken.

CHAIRMAN WILLIAMS: 50,000. Now that's both commercial --

MR. RIPLEY: No, that would be sport fishing.

CHAIRMAN WILLIAMS: Sport fishing. Can you find those figures there? I am talking about the whole take, now, commercial and sport fishing.

MR. SHANNON: 52,000 in '58.

CHAIRMAN WILLIAMS: Now that's fish, not tonnage. That's fish. Is that right?



MR. SHANNON: Yes. This is a party-boat fleet. This is 52,000.

CHAIRMAN WILLIAMS: Well, now, what is the commercial take?

MR. SHANNON: Do you have the commercial figure?

MR. RIPLEY: The commercial take I cannot express it specifically in numbers of fish, but it will be between eight and ten million pounds a year. There are some years when it has gone lower, but I would say that it would average between eight to ten million tons. Now, you can figure roughly 12 pounds to the fish.

CHAIRMAN WILLIAMS: Let's say nine million fish, or nine million pounds, would be your commercial take, then. Just average. Is that right?

MR. RIPLEY: About 750,000 fish, approximately. No, 75,000 fish.

CHAIRMAN WILLIAMS: Now, that's sport fishing about 55,000.

MR. RIPLEY: No, that's commercial.

CHAIRMAN WILLIAMS: Well, now, wait a minute now, because now I have got it back into pounds. Nine million pounds commercially.

SENATOR FARR: They get 750,000 fish?

MR. SHANNON: In pounds, don't you.

SENATOR FARR: We are trying to convert it into fish.

MR. RIPLEY: Converting it into fish, it would be approximately 750,000 fish.

CHAIRMAN WILLIAMS: 750,000.

MR. RIPLEY: Plus or minus.

CHAIRMAN WILLIAMS: 52,000 fish. Just a second now, fellows.

MR. RIPLEY: From the party boats, you can estimate, and this is an estimate, that perhaps another 50,000 or maybe 100,000 are taken by private parties, either from the river or from party boats -- not party boats -- skiffs along the shore.

CHAIRMAN WILLIAMS: Well, then, we are talking about between 850 and 900,000 fish, both of them together. Now, what is the take that is landed or taken in this general area of Monterey.

MR. RIPLEY: I couldn't quote on that.

MR. SHEBLEY: Well, right now, it is almost to a zero.

At one time--

CHAIRMAN WILLIAMS: Well, what would be the average, would you say?

MR. SHEBLEY: In pounds landed in Monterey?

CHAIRMAN WILLIAMS: Pounds or fish, either one.  
Would you mind giving us your name for the record, too, please?

MR. SHEBLEY: Howard Shebley, Department of Fish and Game.

CHAIRMAN WILLIAMS: Howard Shebley, all right.

MR. SHEBLEY: I am just speaking entirely from memory, but I believe the total take of commercial fish last year -- I don't believe it was over 100,000 pounds.

CHAIRMAN WILLIAMS: Now, that's in the Monterey area.

MR. SHEBLEY: That's entirely now from memory without having looked up those figures.

CHAIRMAN WILLIAMS: 100,000 pounds.

MR. SHEBLEY: I would say, now, that's far below what it would be in a normal Monterey salmon year. We have had three years of a very, very--

MR. SHANNON: Here we have Monterey in '58, 277,181 pounds.

CHAIRMAN WILLIAMS: How many fish is that?

MR. SHANNON: You can divide by --

CHAIRMAN WILLIAMS: Somebody take off their shoes, so we can count here.

MR. RIPLEY: What was the poundage?

MR. SHANNON: It was 277,181.

MR. RIPLEY: 23,200 or so.

CHAIRMAN WILLIAMS: That would be 23,000 fish. Now are we talking about commercial catch or all catch.

MR. SHANNON: This is a commercial catch.

CHAIRMAN WILLIAMS: All right, Monterey area, commercial, about 23,000 fish. Now is there any estimate that somebody would care to give us on the sport take?

MR. SHANNON: Our records on sport take aren't nearly as good as our commercial where they have to make out tickets. A lot of our estimates on sport --

CHAIRMAN WILLIAMS: You say 3,000 fish. Is that a guess, gentlemen?

MR. SHEBLEY: Senator, I would like to add one thing that last year we had a salmon derby and one 24-inch fish won a trip for two people to Mexico.

CHAIRMAN WILLIAMS: Well, that's a very valuable fish I would say.

MR. SHEBLEY: Last year, our salmon take, our sport take -- well, you might as well have written it off.

CHAIRMAN WILLIAMS: Well, what would be the average would you guess? Three or four thousand fish?

MR. SHEBLEY: I would say five thousand fish when we have--

CHAIRMAN WILLIAMS: Just in round figures, gentlemen. We just want to get an estimate here is all.

So, that's what we are talking about. We're talking about between 25 and 30 thousand fish in the Monterey area. That's what we are talking about, out of a catch of about 850,000 fish. Is that about it? That's about, roughly speaking, what we are talking about.

MR. BERRY: Sir?

CHAIRMAN WILLIAMS: Yes, sir. Would you give your name, please? Come up here so we can hear you.

MR. BERRY: Ellis Berry, Wildlife Protection Supervisor, Region III, Department of Fish and Game.

I think it depends entirely on the season, Senator. Three or four years ago, we estimated -- let's see, 1954, '55, we estimated the sale of sport-caught salmon -- now these figures come from commercial people. We estimated the sale of sport-caught salmon prior to the opening of the commercial season somewhere

between 40 and 50 thousand pounds of salmon. This does not take into account the number of fish that were taken later on.

We had a tremendous run of salmon four or five years ago off of Fort Bragg. We estimated at least 100,000 salmon.

CHAIRMAN WILLIAMS: Yes, but I am just talking about the Monterey area now. I am just wondering what we are talking about right here locally. That was what I wanted to get into the record.

Now, I realize this is a bum year to tell, because it isn't an average -- maybe it is an average, but it isn't your best season, and I hope it isn't your poorest. I mean, I hope that you are going to do better from here on out. But I just wanted to get an average. But, roughly speaking, would you say last year you had between 25 and 30 thousand fish in this Monterey area? Do you think that's a pretty good estimate?

MR. BERRY: Are you talking sport-caught now? Or both?

CHAIRMAN WILLIAMS: Both.

MR. BERRY: It wasn't too good a year.

CHAIRMAN WILLIAMS: That's about as close as you could guess.

MR. BERRY: Going back a few years, I think it would be far better.

CHAIRMAN WILLIAMS: Oh, yes. Yes, I appreciate that, that you have had much better catches than what we are talking about right at the moment. Yes, I can appreciate that. All right, fine.

Now, Walter, do you have any other -- Go ahead with your presentation. I apologize for interrupting, but I wanted to see



just what we are talking about in the way of fish here.

MR. SHANNON: Well, I might give you some figures here, going back. Now this is a commercial catch, and this is for fish, but to give you an idea of what the catch has been in prior years, '58 was 52,000; '57, 44,000.

CHAIRMAN WILLIAMS: Now you are talking about the Monterey area. Is that right?

MR. SHANNON: No, this is salmon from party boats.

CHAIRMAN WILLIAMS: State-wide?

MR. SHANNON: Yes.

CHAIRMAN WILLIAMS: State-wide?

MR. SHANNON: Yes.

MR. KOHLHAUF: May I interrupt there, Mr. Chairman?

Mr. Shannon stated this was the commercial catch. It's the sport catch.

MR. SHANNON: I mean, yes -- party boat is a sport catch.

CHAIRMAN WILLIAMS: All right.

MR. SHANNON: 44,000, and then '56 was 114,000; '55, 128,000; '54, 119,000 and '53, 98,000.

Now, I think we may be off on our figures a little bit on the total number of fish caught, which, you, I think, it was estimated here, I think you added up your figures, and said that you had 750,000 fish caught.

CHAIRMAN WILLIAMS: Commercially on the Pacific Coast, or at least on the California coast.

MR. SHANNON: Yes, well, here in the main ports, the figures here for 1958 are 3,656,841 pounds. Now, this is the

commercial fleet, so if you divide that by 12 you come up with somewhere around 300,000 pounds.

CHAIRMAN WILLIAMS: 300,000 fish.

MR. SHANNON: Yes, I mean 300,000 fish, and if you took the party boat catch of '58, which was 52,000, which is fish, we'll you'd come up with --

SENATOR ERHART: Well, you would still have to add more fish than that, because there are a lot of people who don't fish from party boats.

MR. SHANNON: Yes, that's right, so maybe your figures aren't too far off.

MR. RIPLEY: I think, Walter, we are figuring an average year of between 8 to 9 billion pounds.

MR. SHANNON: Yes.

MR. RIPLEY: And that isn't the low year or the high year.

MR. SHANNON: Yes.

CHAIRMAN WILLIAMS: Yes, just an average.

Let me interrupt the proceedings now, gentlemen, to introduce Senator Hollister, of Santa Barbara, sitting right over here second on my right, a member of the committee.

All right. Now go ahead, Walt.

MR. SHANNON: What we would like to do on this, Senator, is to furnish you some figures on this that would be closer if you would like to enter them in your record at a later date, because --

CHAIRMAN WILLIAMS: That might --

MR. SHANNON: --we didn't know just what you were going

to ask, and we didn't have all of the records here.

CHAIRMAN WILLIAMS: That's right. Well, I was more interested in trying to get into the record here just what we are talking about in terms of fish.

MR. SHANNON: Yes, how many fish in the Monterey area.

CHAIRMAN WILLIAMS: Of tagging them, for instance. What would that entail if the commercial boys had to tag them or the sport group had to tag them. What were we talking about. How much of a problem would it be.

MR. SHANNON: Well, let's furnish that information.

CHAIRMAN WILLIAMS: Yes, if you would, please.

MR. SHANNON: I would rather give you those figures from our records rather than try to --

CHAIRMAN WILLIAMS: And then send that right to the secretary, Mr. Ford. You gentlemen can take care of that.

MR. SHANNON: All right, fine.

CHAIRMAN WILLIAMS: All right, Mr. Shannon. I will try not to interrupt you too many times.

MR. SHANNON: Oh, that's all right, Senator.

CHAIRMAN WILLIAMS: Yes, Senator?

SENATOR ERHART: I would like to interject something there. If we are going to have those kind of figures, we are not interested in, particularly, how many of those are caught in Monterey Bay, are we? Don't we want them statewide, if we are going to tag them as they come in from Oregon?

CHAIRMAN WILLIAMS: That's exactly right, Senator, but

the reason why I asked the question here was to get an idea of what we are talking about in this general locality, realizing, of course, that if they had given the state-wide figures, then they would also give us the Monterey area figures. But I think the figures should be on a state-wide basis. If you want to break it down into districts or regions why --

MR. SHANNON: We can give you figures, I think, on the importation of salmon, the number caught state-wide, commercial, party boats and the numbers caught commercially and by sports fishermen here in the Monterey area. That would about cover the field, I think.

CHAIRMAN WILLIAMS: I think that's right.

Gentlemen of the committee, my thought is this: that the suggestion has been made that one side of the fence or the other ought to be tagging these so we'll know they're legitimate fish, we'll say. Well, if we start out with a program of that magnitude, now, what are we talking about. Are we going to have to tag a lot of them, or just a few, or what, or how extensive will this be? So, we have to weigh the cost involved and also --

MR. SHANNON: Of course, you have to -- Excuse me.

CHAIRMAN WILLIAMS: -- efforts on either the commercial end of it or the sporting end of it, if they are going to have to do it.

MR. SHANNON: Of course, you have to realize, too, that all of these fish wouldn't be tagged.

CHAIRMAN WILLIAMS: No.

MR. SHANNON: Commercial fish that were taken during the open season, and used, which is the big bulk of this, would not be

tagged. It is a case of where they are being held over.

CHAIRMAN WILLIAMS: Held over. That's right.

SENATOR FARR: How much of that is held over, would you say?

CHAIRMAN WILLIAMS: That's a very good question, Senator Farr. That is a good question.

MR. SHANNON: Well, not having tagged these fish and gone through this, I wouldn't know, but I would say that most of the fish are used during the open season.

SENATOR FARR: How about, Mr. Crivello, in Monterey what percent would you say of the commercial catch were held over after the season. Have you any idea?

MR. CRIVELLO: It all depends upon your season. If you have a late season run, a good percentage is left over. It all depends upon the saleability of the salmon. I would say ten or fifteen percent.

UNIDENTIFIED: Oh, more than that.

UNIDENTIFIED: Yes.

SENATOR FARR: Ten or fifteen percent would be left over at the end of the season?

MR. CRIVELLO: Well, it all depends on, like I said before, if you have a good run at your late season. If you have some carry-over -- let's say in June or July -- well, they will probably have fifteen percent, but if they have a good late season, I would say the percentage would go 'way higher. I wouldn't say how much of a percentage, but it would be higher.

CHAIRMAN WILLIAMS: Well, then what you are saying is, Mr. Crivello, that if you have a very poor season, they are all consumed



and there is no carry-over. If you have a late, good season, then you've got that big bulk coming at you, a log jam right at the very end, and you have got to carry them over or else they would have to be destroyed. All right.

Go ahead, now, Mr. Shannon, please.

MR. SHANNON: Yes. Well, this next statement is along the same lines that if the commission were to establish regulations which would require reporting, perhaps inventories of salmon stored or imported in the state during the time the commercial season is closed, and require all salmon to be tagged, which is now the case only in Del Norte, Humboldt and Mendocino Counties, it would possibly solve the situation. We intend to study this, and see if we can come up with some plan that would be workable.

Now, one effort to control the sale of sport-caught salmon proved ineffectual in a previous year. This was the placing of a dye stripe along the sides of sport-caught salmon to identify them as having been caught under a sports fishing license. In other words, the commission enacted a regulation a year ago last, well, it was a year and a half ago, that anyone who caught a sport fish during this two-month period would have to stain it with a dye, and Eddie Kohlhauf here was one of the fellows who was very much interested in this, and we were, too, because we thought that if we could identify these fish so that if they showed up in a market someplace where the owner would know they were caught under a sport license, but this didn't work because of a number of things. Some people didn't want to go along with it, and they painted stripes on their fish anyway, and that created a lot of

confusion, and also there were so many little skiffs going out salmon trolling that we couldn't check them all to be sure that all these fish were striped or painted, and so also another thing that was bad here is that it seems that this dye got on everybody and all over the boat and rarely got on the fish. They painted everyplace else but the fish, so the party boat operators didn't like it, and the commission rescinded this order.

In summary, I would just like to say that this is a difficult thing to solve, but probably the best solution is through this possibility of tagging, and if we analyze it from the standpoint of how many fish there are and just how it can be done, if it would be workable so that it doesn't impose a terrific burden on the commercial operators or upon the state, then, I think we ought to try to adopt some legislation necessary to provide for this, or correct these sections involved, so that it will cover the situation.

CHAIRMAN WILLIAMS: All right, are there any questions of Mr. Shannon by the committee?

Mr. Shannon, now, one more thing: when you compile these figures for the committee, is it possible to get these compiled accurately or an estimate of this carry-over problem that you have. I mean, can that be done? As Mr. Crivello pointed out, in some years you have a very heavy carry-over because of a very late and heavy season run. Now, is it possible to estimate that carry-over?

MR. SHANNON: The best way to do this, and this was the area of concern, I think, would be for our local people here to contact the people that handle these fish.

CHAIRMAN WILLIAMS: To get some idea--

MR. SHANNON: To get some idea of how many they carry over as a general rule, and I think we could arrive at a fairly good estimate.

Do you think you fellows could do that so that we can arrive at a fairly good estimate?

MR. BERRY: I think so, Mr. Shannon, and I would like to mention, however, that most of the-- or all of the tagging would have to be done ten days after the closing of the commercial season. The law provides that you can hold fish for ten days after the season. In the case of salmon, of course, they hold all year 'round, but if we did it all within ten days, there are relatively few places we would have to hit. Your big commercial fish houses, and I might state also that very little of your salmon is imported during the closed season from Oregon and Washington, during the winter. I really feel that it would be a relatively small amount.

CHAIRMAN WILLIAMS: I see. So, it wouldn't be a big chore if either side got stuck with that. Is that right?

MR. BERRY: In my opinion, it wouldn't be.

CHAIRMAN WILLIAMS: I think the committee feels that before we start burdening industry and sporting elements with a lot of rules and regulations and also some restrictions of things they have to do, we want to kind of limit them as much as possible, so that we don't get them so confused that they don't know what they're doing.

Yes, Senator Farr?

SENATOR FARR: It looks like it could be done with no

change in the Fish and Game Code necessary to do this. It would seem to be a matter of regulation by the commission.

MR. SHANNON: Well, I think the law is not clear. It should be cleared up. I would have to refer that to Mr. DeChambeau, but the sections dealing now provide for the three counties, well, not only the three counties but deal with ocean districts and land districts, and I am not entirely sure that the Code, that the commission could do this under the present wording of the Code. I think that if there is a change necessary, it would be a rather simple change, and I don't know why it should run into any opposition.

CHAIRMAN WILLIAMS: Are there any other questions of Mr. Shannon?

SENATOR O'SULLIVAN: Senator?

CHAIRMAN WILLIAMS: Senator O'Sullivan.

SENATOR O'SULLIVAN: Mr. Shannon, do you have any way of knowing how many fish that the sportsmen catch that are being sold on the market? After the season is closed?

MR. SHANNON: No, this -- probably I could call on Mr. Shebley here for his estimate, but we have no way of knowing that. It goes all the way from some people who say there is an awful lot, and other operators who say there is very little. Some of the big operators say, take this attitude, that "I would be foolish to buy three or four fish coming in here to sell on the market and run the risk of my business and ruining my reputation in handling that sort of stuff." Now, how much might be sold by small operators who are willing to take a chance on a few fish, I don't know.

SENATOR O'SULLIVAN: How many arrests have you had in this area?

MR. SHANNON: Well, we don't have-- That's our problem.

SENATOR O'SULLIVAN: You don't make any?

MR. SHANNON: We don't make any arrests on this, or we have made very, very few because of the difficulty of catching these people even with undercover-- It is very simple for a fellow to go out here and catch some fish on a sports fishing license and take it into a market, or anywhere, and leave it on the basis that this fellow's going to clean his fish or store them, walk off. There's no exchange of money or anything else involved. Maybe the fellow sends him a check in the mail, and it is a very, very difficult thing to enforce.

SENATOR O'SULLIVAN: Who in your department is in charge of this particular enforcement?

MR. SHANNON: It is a law enforcement operation, and here in this area Mr. Berry is the Wildlife Protection Supervisor for the region and Captain Shebley is located here in Monterey.

SENATOR O'SULLIVAN: Do either of them have any records?

MR. BERRY: Sir, I think it was in 1954 or '55, these figures came from one of the commercial sources, he estimated somewhere around 40,000 pounds of fish sold. It was a heavy year for sport-caught fish.

SENATOR O'SULLIVAN: You are the Wildlife Protection Supervisor in this area?

MR. BERRY: Yes, sir.



SENATOR O'SULLIVAN: Do you have any idea, or any estimates, or any opinions or anything?

MR. BERRY : I think it is quite considerable throughout the year. I think we have two phases here, Senator. One is the -- excuse me. One is the phase of this selling of sport-caught fish prior to the opening of the commercial season. That's fairly obvious, and it is primarily here in the Monterey Bay area.

SENATOR O'SULLIVAN: That's where they came from?

MR. BERRY: Yes, sir. The other is the problem of sale of sport-caught fish during the regular commercial season, and this, I think, is even greater state-wide. We have a tremendous amount sold.

SENATOR O'SULLIVAN: How many arrests did you have last year?

MR. BERRY: None that I can recall, sir.

SENATOR O'SULLIVAN: How many convictions?

MR. BERRY As I said, we had no arrests that I know of.

SENATOR O'SULLIVAN: How many cases did you have where the investigating officer felt that there was a case, but he didn't have sufficient facts on which to proceed to complain?

MR. BERRY I think we had quite a number of those.

SENATOR O'SULLIVAN: How many of those would you say?

MR. BERRY: I can't give a definite figure on that, Senator. We haven't them compiled, but we do have a number of

instances where the wardens know that certain people are selling fish, but we just can't make it stick.

SENATOR O'SULLIVAN: Do you get your wardens to submit a written report?

MR. BERRY: Not on these particular types of situations. In fact, we do not submit investigated reports normally.

SENATOR O'SULLIVAN: You mean the law enforcement officers don't submit to you any investigation reports on matters which are being investigated?

MR. BERRY: Not normally, sir.

SENATOR O'SULLIVAN: How many arrests have you had in previous years?

MR. BERRY: I can't recall of any on this particular problem. Did you mention that there was one?

UNIDENTIFIED: That was on a commercial.

MR. SHEBLEY: We have had several of them over the past two or three years. We had one arrest last week, a man with twenty-three salmon aboard. It is pending in court now. I think last year we had four or five that I can remember, between here and Arroyo Grande and Morro Bay. It has extended down there, too. But we had one this past week for twenty-three salmon aboard, and it is pending in court now.

SENATOR O'SULLIVAN: Both the sports and the commercial fishing season is on now at the present time.

MR. SHEBLEY: This was before the commercial went on. The commercial opens tomorrow.

MR. SHANNON: Of course, you don't know on that, Senator, whether he is just a fellow with twenty-three salmon out here. He's got a sports fishing license. In the first place, it's an over-limit, but does he intend to sell these fish? You don't know whether he's catching them commercially. You would think by having twenty-three salmon possibly he was, but whether that is tied in directly with this problem or whether he has just got an over-limit and going to keep the fish, you don't know.

SENATOR O'SULLIVAN: Have you had any cases in which you have had an arrest and conviction of a sports fisherman for selling fish commercially prior to the opening of the commercial season or subsequent to the closing of it?

MR. SHANNON: I can't recall an occasion, Senator.

MR. BERRY: That is the phase of the problem which is impossible to prove, the actual sale. I don't think we ever had a case and have ever proved a case of sale. This man the other day was a commercial fishing boat with a commercial fishing license and a boat registration, who makes his living from commercial fishing. He had no angling license, but he did have twenty-three fish, and the only thing we could charge him with was possession, the over-limit of fish, and he had some of them even under the legal sports size. Those two charges went against him, but he had no angling license and he makes his living through commercial fishing, and he was seen trolling in the sports fishing fleet with his outriggers on and catching salmon on his outriggers, which, again, is a violation of the law.

Now this man, all we can charge him with again was the possession of an over-limit of salmon, because we did not see the

sale, and it is almost impossible to prove the sale. He takes a sack of three fish in and they make three trips a day in their boat. They take three fish in and just set them inside the market door. The fellow there sees that John or Joe or Pete is credited with these fish, but there is no sale, and if we walked up and grabbed them, they'd say, "Well, these have got to be cleaned."

SENATOR O'SULLIVAN: Do any of the wardens ever see this happen?

MR. BERRY: Oh, yes. We see it all the time. Well, the fact is we can take you down probably and show it to you. In fact, they are bold about it. If they take a legal size in and put it in their market, it is not illegal. The sale-- we assume that they later on, we are almost positive that there is fresh fish on the block. Of course, another story is that that fish came in from Oregon or Washington, and all we have to do is disprove that. It is still fresh fish. It isn't frozen.

SENATOR FARR: Mr. Chairman?

CHAIRMAN WILLIAMS: Senator Farr.

SENATOR FARR: I was over at a certain sports fishing place here, and a boat came in with a sack full of salmon, and the fellow said he was going to take them down to a certain fish market here and sell them. There were a whole lot of people standing by there, sports fishermen.

CHAIRMAN WILLIAMS: Let me ask the patrol a question: now, if a man has a sport fishing license, he's limited as to the take of salmon, isn't he? He's entitled to three.

MR. BERRY: Yes, sir.

CHAIRMAN WILLIAMS: If he is fishing on a party boat, he still can only take three. If he is fishing on a commercial boat or a boat that has a commercial license, he can still only take three because he has a sport fishing license. Is that right?

MR. BERRY: That's correct, sir.

CHAIRMAN WILLIAMS: But if he has a commercial fishing license, then he can take as many as he can catch, as long as it is in the season.

MR. BERRY: Season and size limit.

CHAIRMAN WILLIAMS: But the case that was cited by the gentleman back there, he didn't have any license at all. Is that right?

MR. SHEBLEY: He had a commercial license.

CHAIRMAN WILLIAMS: He had a commercial license?

MR. SHEBLEY: Yes.

CHAIRMAN WILLIAMS: Then he was actually fishing ahead of the commercial season. Is that right?

MR. SHEBLEY: Although we could prove-- We had to prove that. Now, all we could prove was that he had over a sport limit and no license, because to prove this commercial case, we would have to prove that he sold or intends to sell them, and we had no way to prove that, so we couldn't prove that he took fish commercially during the closed commercial season. We just found them on his boat.

CHAIRMAN WILLIAMS: Only that he didn't have a sport fishing license.

MR. SHEBLEY: And had over the limit.

CHAIRMAN WILLIAMS: And had over the three that he is



allowed if he had had a sports fishing license.

MR. SHEBLEY: I don't think the commercial license and the boat registration enter this particular one. If he had not had them aboard, and we knew that he was a big sportsman, let's say -- and knew he was -- still the facts, the court action would have been just the same: under-size and no license. The fact that he had these other things indicated pretty well that he was -- usually made his living at commercial fishing, but he is an albacore fisherman.

CHAIRMAN WILLIAMS: You mean that's his history as a fisherman.

MR. SHEBLEY: Yes, sir. He is an old-time commercial fisherman, that is, he has sold albacore and he has sold salmon, and he has sold other fish. That's his business. At this time, he had twenty-three fish, no license, no angling license. He did have a valid commercial license and boat registration, but there was no sale or no intention of offering a sale made. So, all we could charge him with was over-limit and under-size, and, as I say, no angling license.

CHAIRMAN WILLIAMS: No sports fishing license. Yes, Senator Hollister.

SENATOR HOLLISTER: What is the penalty for that kind of an infraction of the law?

MR. SHEBLEY: The minimum on all three of those, right of the bat, I would think would be \$25.00. The maximum on each one would be \$500.

SENATOR HOLLISTER: How often has the maximum been applied?

MR. SHEBLEY: I would say seldom, if ever. I can't recall one.

SENATOR HOLLISTER: Can you ever remember it?

MR. SHEBLEY: Up in Del Norte, Humboldt, a county up there where they take a little different view of this salmon violation, I believe the fines generally tend to be heavier, but I can't remember down in this area of a maximum.

SENATOR HOLLISTER: Have you ever had a fine down in this area over \$25.00?

MR. SHEBLEY: Oh, yes, sir. We have good support. We have-- Just the fact of the maximum \$500, I don't remember it, but we do have very good support on this. Well, \$100, I would say \$100 on this thing is more the case than the exception.

SENATOR HOLLISTER: The reason I am asking these questions is I am wondering whether it is worth it or not, whether it would keep the patrol going or whether we should get out of it.

We know that small fish haven't too much of a market, and there are small fish in the early part of the season, and it looks to me like it might be something like just trying to get ahead of the bank or the insurance company, or somebody else trying to make a little bit of money out of it, and I am just wondering why you bother about it in the early part of the season.

MR. SHEBLEY: Well, Senator, we have no records of this particular thing, but we think there is a tremendous volume of it, and the commercial people themselves are unhappy about it, because it does cut their price. Of course, that becomes an economic thing then,

but from a conservation standpoint in which we are interested, there is a tremendous volume of this fish. And let's use the word -- I don't want to get thrown out of here -- but let's call this stuff "bootleg fish" for want of a better name. There is a tremendous volume of this bootleg sport-caught salmon before the commercial season opens, and the people who sell, who retail to the public, fresh salmon can get quite a bit greater price for a slice of fresh salmon than they can a piece of frozen salmon that is going to fall apart when the housewife gets it home. Therefore, the price now for salmon, fresh salmon, to these sport-caught people is considerably higher than they can get legitimately when the commercial season is open.

We don't know-- We have our information. Our information tells us they are getting as high as 60¢ a pound. That's for good fresh salmon. We have no records of that, neither do we have any catch records to know the total amount.

SENATOR HOLLISTER: They are really operating in competition to the commercial fishermen on the basis that these fish are frozen and held over into the time when the commercial fishermen are selling their fish, or these salmon, these bootleg salmon, are they eaten on the spot?

MR. SHEBLEY: They are eaten on the spot.

SENATOR HOLLISTER: They are only in competition really with the Japanese fish, that's what I meant.

MR. SHEBLEY: No, sir, that isn't true. Here let's take a freezer now has a supply of frozen fish that he held over for sale all through the closed season. He wants to make a business, and he

has to supply his customers. So, let's say this place has, at the start of the season, ten ton of frozen salmon. By this time of the year, he's probably got three ton left. Now, let's say he can get -- I'm pulling figures out of the hat for comparison here -- maybe, he gets, the wholesaler to the retailer of frozen fish -- what would you say?

UNIDENTIFIED: Probably 60¢.

MR. SHEBLEY: But now here's fresh fish coming right in on the market, and if this fellow can get it and pay the fisherman 60¢ for it he can sell it -- well, I don't know what it's going for, but certainly the man that's got the fresh salmon on the block can get more money for it than his neighbor, let's say, that's got a big piece of frozen salmon over here that's about to fall apart, and there is more demand. They can sell every bit of fresh salmon that they can get on the dock from now until the time when the commercial season opens, and we have no records of that. There's no slip made. There's no party boat slip made. There's no what we call "pink ticket", the official receipt that the commercial fishermen have to make, the party boat operators have to make of party boat records. We have a complete and accurate record of party boats. The volume of fish that's coming in-- As I say, here's one man we just caught with twenty-three. Now, how many of those-- We have no patrol boat here in the Bay. How many of these people have brought in twenty-three fish? We are quite sure that there are eight or ten boats similar to this that are working every day out in the Bay. They go out at least. They have taken anglers out, but as soon as the season opens they will start commercial fishing. So, the volume we don't know. I can only guess.

SENATOR HOLLISTER: I would like to ask just one question. Why is the season set for commercial fishing on the dates that it is?

MR. SHEBLEY: I would rather Mr. Ripley answer that question.

MR. RIPLEY: Well, ordinarily this permits the fish to grow up to the maximum size.

SENATOR HOLLISTER: Size?

MR. RIPLEY: Yes, that's anticipated, and also because the Pacific Marine Fisheries coordinated season, to permit the California fish to migrate back down into California. The bulk of the fish that normally range out of the Sacramento system range up the coast as they grow. That is, they continue to grow in size and migrate back down each year, early in the spring, back into California waters, and California's main reason, of course, of setting the season at this particular time -- we actually wanted it later -- was to get as many of our California fish back into the territory where California fishermen can work on them.

Of course, there is an exchange of fish. The early -- this season there was a greater take of silver salmon by the California commercial fishermen that were actually reared up in Oregon and Washington. So, you might say there is a fair exchange.

CHAIRMAN WILLIAMS: Any other questions of these witnesses?

Thank you very much, gentlemen, we appreciate having you here and having your testimony.



I want to call on Mr. Edmund Kohlhauf, please.

Would you sit down, please, and give your name and official position for the record, and then you proceed with your statement.

MR. EDMUND KOHLHAUF, Associated Sportsmen of California and  
Party Boat Operators

MR. KOHLHAUF: My name is Edmund Kohlhauf. I am representing two factions today: the party boat operators and also the Associated Sportsmen of California.

CHAIRMAN WILLIAMS: All right. You proceed, Mr. Kohlhauf, if you please.

MR. KOHLHAUF: All right. First I would like to talk about seasons. The committee should have received telegrams from Marin Rod and Gun, Tyee Club, District Council Seven and Associated Sportfishers.

CHAIRMAN WILLIAMS: We've got a lot of them there, but you go right ahead.

MR. KOHLHAUF: I believe the sportfishing interests are united in recommending no change, either sport or commercial, fishing season at the present time. Especially we mention "at the present time", the commercial interests have intentions to ask for a two-week extension of their season in September.

Now, if spawning grounds stay improved, which they have proved the last two years, and if they stay improved, we would be in favor of an extension, but it depends entirely on what kind of a spawning ground we would have this fall. Otherwise, we would like to have it as is.

You asked about the seasons, Mr. Shannon, in Oregon. The sports fishing season in Oregon is open the whole year. They have other provisions to control their catch. I have asked Washington but I haven't received an answer yet, but last year Washington's season was seven months.

CHAIRMAN WILLIAMS: Is this the commercial season?

MR. KOHLHAUF: This is the commercial season and the sports season in the State of Washington run seven months.

CHAIRMAN WILLIAMS: Well, now, how does that compare to our season as to the starting and stopping dates -- the sports fishing now we are talking about.

MR. KOHLHAUF: Sports fishing in California, the starting date is February 15, and the closing date here is the Saturday, or rather the Sunday, near November 15, which is a nine-month period.

CHAIRMAN WILLIAMS: What does theirs do up there?

MR. KOHLHAUF: Theirs, last year in Washington it was seven months.

CHAIRMAN WILLIAMS: Well, when did it start?

MR. KOHLHAUF: I do not know. I don't have the book. The only thing I remember reading was that it was seven months. I believe it starts with the commercial season on April 15th. Their commercial season is seven months also.

CHAIRMAN WILLIAMS: Oh, I see. In Washington.

MR. KOHLHAUF: I believe the State of Washington acted on the Pacific Marine Fisheries recommendations for uniformity. Maybe -- It may work very well for one state and may not work so well

for another. I don't think that can be thrown together as a unit -- if it is good in Washington, it is good down here. Most of our sport-caught fish in Washington, and they are much higher in relation to the commercial catch, small fish caught in the bays and so on, but not much out in the ocean.

CHAIRMAN WILLIAMS: Just one second. Senator Hollister has a question.

SENATOR HOLLISTER: You say both the commercial and the sports season start on April 15th. Are the salmon of a better size up there in the northern states? Is that the reason? What is the reason?

MR. KOHLHAUF: No, both the commercial and sports start April 15th. April 15th had been agreed on as a uniform date for commercial fishing to start on the Pacific Coast, and I believe they are making progress on trying to have Canada come in on the same basis.

SENATOR HOLLISTER: Does April 15th apply in Monterey, too?

MR. KOHLHAUF: It applies on the Pacific Coast.

SENATOR HOLLISTER: The whole coast.

MR. KOHLHAUF: Yes, Oregon, Washington and California, and it has only been recently that it has been that way. The dates were different through '57, I believe. I don't know the exact year, but now they are uniform, and I think it works better that way. It should be left that way: the same opening for all commercial seasons.

I think if they cut the sports fishing down maybe to comply with the recommendations of the Pacific Marine Fisheries

Commission, but they also -- I studied the records there for their sport catch. It is rather higher in numbers of fish than their commercial catch, because they have, like I say, more row boat fishing, more access on the streams where they catch salmon, not trout, and they have a sack limit of six fish, bag limit of six, and according to that they might have cut the season.

Now, here in California, the average -- the average -- between the commercial and sport catch is about six fish caught commercially to one by boat.

Years ago, we did have -- that was before the war -- we did have the uniform season. The sport and the commercial opened up at May 1st at that time and ended September the 1st. We also could take whatever we could get a hold of, of legal size, if it was forty fish or fifty fish, if the fish were running well. I operated at that time when we took in as many as fifty or sixty fish. We figured that the sportsmen would rather take home less fish and spread out and take over a longer period, explaining this to the department. That was right after the Golden Gate Sports Fishers was organized. The department gave us a year-round season, and we operated on a twelve-month season for two years, I believe, and we voluntarily asked the department to cut it back to nine months because of several factors. Some of our members were determined. They would tend to take people out because they have a party, and it really wasn't too good to go out, and we rather recommended that they protect us from these fellows having accidents. In the off-season, the fellow can go ahead and take care of his boats and get them ready for the season, so we figured a nine-month season would take care



of it, and we have been able all these years, these last -- I believe it has been since '52 now -- the last eight years we have had the nine-month season.

In 1957, or rather in '56, we had the first good spawning ground, on the spawning beds, and that has been followed in '57 by a poor run, and the department being alarmed asked the commission to cut the sports season two months to save the salmon. We were arguing on that, and we were able to change the commission's thinking on that at their meeting in Los Angeles, and they left the season as it was. Salmon, Unlimited, had come into being that particular year. I believe you gentlemen have heard of Salmon, Unlimited, an organization where commercial men and sportsmen work together, and the Aquatic Resources Committee, with the department, try to propagate, try to see what is wrong, what we can do to get more fish out and regulate this resource.

I believe it is working out to the advantage of the salmon resource, and our recommendation would be "no change".

On the sale of the fish, especially of sports-caught salmon, for the market, the party boat operators get the biggest blame on it. I think it has been more of a problem if you will go back to '44 and '45 and years prior to that than it is right now, especially as far as the party boat operators are concerned. We are working continuously; we have our organization to work better with the department. This is my job. I told them we have to know what is going on, keep the records right, and I believe since our organization there has been a tremendous improvement on that particular point. I concede you that seven or eight years ago there was quite a few fish being sold



by the party boat operators, and the people they transported.. This has changed to some extent now on the party boat operators part of it. You take the years, go back to '45, '54, '55 and the prior four or five years, your tonnage was to an extent that most of the time a good party boat operator could get limits for his passengers and also the limit for himself, and naturally he was inclined to see the dollar on it and sell those fish. Today, the operation is different. It is very seldom that you come in with a limit of fish. In certain weeks, a good run comes through and you have that condition. Otherwise, you haven't. Now, the party boat operator today is in competition for passengers. Whatever fish he gets, he doesn't intend to sell. He gives them to his passengers, one that hasn't got a fish or even if he has one, but there is very little sale from the operators themselves. I don't say that some of the sportsmen haven't sold them to get some money back on the cost of the catch.

CHAIRMAN WILLIAMS: Let me interrupt you just a minute to ask a question: some of these so-called sportsmen that we have going out and fishing, aren't they actually people engaged in business in this general area as maybe service station operators or real estate salesmen, and they do this on Saturday and Sunday. Is that about the size of it?

MR. KOHLHAUF: When you say "sportsmen", do you mean the people that we take out fishing?

CHAIRMAN WILLIAMS: Yes.

MR. KOHLHAUF: Or do you mean the party boat operators?

CHAIRMAN WILLIAMS: No, I mean the man that goes

out on the party boat fishing?

MR. KOHLHAUF: Well, they are all either workmen or businessmen.

CHAIRMAN WILLIAMS: Well, no, I mean primarily though are they local people right around this area, or are they people on vacation, tourists coming through?

MR. KOHLHAUF: No, I believe it is mostly local people.

CHAIRMAN WILLIAMS: Local people right here.

MR. KOHLHAUF: I operate out of San Francisco not Monterey.

SENATOR FARR: To answer your question, I would daresay a good percentage of them are tourists here.

MR. SHANNON: A lot of them come from Stockton, Modesto, wherever the fishing is good, it might be Santa Cruz -- it might be the Santa Cruz area -- it might be the Moss Landing area -- wherever the fishing is good, there is a lot of them come from Stockton, Modesto, San Jose.

SENATOR FARR: They go on the party boat.

MR. SHANNON: Yes, there is no question about it.

MR. KOHLHAUF: I thought you meant people coming from outside of California. I don't call Californians tourists. Then that way, you would say almost all our people travel, you know, from inland, as far as we can reach by radio and so on. They get the information, and they are interested in salmon fishing, they come from all over California. We get some from out-of-state, too, but most of them are Californians, from the whole state, not just locally.

I do not speak now for the Associated Sportsmen but for the Golden Gate Sport Fishers. There is another part we do not quite understand in the sale part of it. We are perfectly satisfied that sports-caught salmon should not be sold. That is perfectly satisfactory. The question arises with us, what we have in mind, is we would rather talk of the resource, the salmon resource, what do we do to help the salmon resource than what happens to the fish after they are dead. I am rather concerned with the living fish and getting more fish out there than what happens, like I say, when the fish is dead. It doesn't make any difference to the fish what size he is, whether he is bought commercially or sold, buried or given away. It is all the same as far as the resource is concerned in my opinion. That is our thinking. Maybe no one will agree with me on it, but I still can't get through my head where the resource can be helped in any way by putting restrictions on it. We have no quarrel with the fact that they should not be sold. It is just the thinking along those lines. The question has been brought up by one of the members of the committee: is it worth the effort of the patrol as long as they cannot convict? I say, "Yes." If we do not have a patrol and those law-breaking elements getting by with it and you have the so-called bootlegging 'way out of proportion. It would make a difference also to the resource. They would take advantage of not being caught. But as long as there is a policeman around the corner, there is protection. That part is good.

In my operation in working as a sportfishing boat operator for twenty-two years, and I have made over 3,200 trips, the party boat operator or the sportsman is blamed, but it

rather is the commercial interest that's doing the damage. The commercial man, as Mr. Shebley said, couldn't be convicted on his commercial license, but he was on this boat over the limit, and it is a sports-caught fish that he is selling, but it is actually a commercial man doing the damage.

It can't be very well controlled anyway. An opinion on your proposed tagging -- even if your fish happens to be sold as a whole, your fish dealer could take the tag off when it is being sold and put it on another sports-caught fish.

CHAIRMAN WILLIAMS: No, I don't think so. I think that could be taken care of just like the seal on a freight car. When you break it, you can't use it again. I think that part could be handled if they ever come to that conclusion.

MR. KOHLHAUF: Yes, I see. It would be destroyed.

CHAIRMAN WILLIAMS: When it was removed, yes.

MR. KOHLHAUF: I didn't think of that part of it. That particular point came up, and we wanted to tag sport-caught salmon, to make him show on the shelf that it was sport-caught. You remove the tag, and who knows the difference? That was why-- the practical matter of tagging it is to identify it, but in practice it didn't work out as well as it would have in theory.

Let us see, we have had the sale and the season. I have another proposal but it concerns sports fishing and would not concern this committee and would only concern the Fish and Game Commission.

CHAIRMAN WILLIAMS: Any questions of this witness?



Thank you very much. We appreciate having you here and having your testimony.

MR. KOHLHAUF: Thank you very much.

SENATOR FARR: Senator, I think Mr. Crivello wants to say something.

CHAIRMAN WILLIAMS: Mr. Crivello, come up, please.

MR. JOHN CRIVELLO, Seine and Line Fishermen's Union, Monterey

MR. CRIVELLO: I have been here listening, Senator, and members of the committee, I have been here listening about the comparison of the salmon catch, the take of the commercial fish, in comparison with the sportsmen's catch. I have heard five to one, six to one, and everything like that. As you are all aware, as far as the commercial take, there is an accurate record of how much fish is delivered to the markets. In other words, when a fisherman comes in with his load of fish, he's got five hundred or a thousand pounds, there are three tickets issued. One goes to the boat owner, the market itself, the buyers -- one is issued to the boat owner, one is by the market delivered to Fish and Game, and one the buyer keeps for his own records, which means that there is an actual record of every commercial pound of fish that is caught by the commercial boat or fisherman.

Now, let's get back to the sportsman. As you know, especially in Monterey, we have pending at the present time a small craft harbor, which eventually will have about four hundred boats moored in there which are potential sports boats, yachts; probably seventy-five percent, I would say, will go salmon fishing.



Now, you get all those boats, potentially four hundred boats. At three a boat, that's twelve hundred fish during a day. There will be no record of those twelve hundred fish. My understanding right here the only record of 52,000 fish in the State of California is by the sport boats. They keep a record. Commercial boats keep a record. But there is no record, absolutely no record, of these individual row boats, yachts and boats like that, which means it's a problem we've got.

I recall a couple of years ago there was quite a battle between the commercial fishermen and the sport boats in regard to selling these fish in the markets a little earlier. Now, we had a lot of weekend fishermen. A weekend fisherman, as I determine, is this: a man whose got a job, making a hundred or a hundred and fifty dollars as a carpenter. He's got a little boat. He's got nothing to do. He goes down and picks up pink salmon. Pink salmon is worth \$15.00 a piece. Fifteen by three is \$45. That means \$150 and \$45.00, he can cut down on the price and sell it right onto the market. Now maybe he's picked up another \$40.00, and he's had a lot of fun catching the salmon.

Now, those are the problems we have had. It is not these sport boats. I think they are pretty well controlled. It is these individual people who own their own boats and do it as a hobby and do it for money also during the weekend.

Now, I know this is a possibility also. You get one of these sports fisherman who owns a boat. He can go out and get his limit according to his sports license of three, go to the market and sell it, go back on his boat, go out fishing again and pick up another three. He can get away with it.

SENATOR HOLLISTER: One question: where in the hell do you catch these salmon? I've been salmon fishing, and I haven't caught one yet.

CHAIRMAN WILLIAMS: I would like to ask that question, too.

SENATOR HOLLISTER: How do you get them that easy like that?

MR. CRIVELLO: It's just like anything: sardines or mackerel. You can go out and get all the sardines you want. Maybe for a month you can't catch a sardine. There are cycles and runs.

SENATOR HOLLISTER: Those are the months I have been fishing for salmon.

MR. CRIVELLO: A while back, a couple of weeks, nearly everybody in the sports boats were getting their limit. If you read the Examiner, fishing was heavy in the Monterey area, and next week fishing is light. It all depends on your run. You just haven't been on the right day.

SENATOR HOLLISTER: Well, you don't come in with three salmon, and then go back out and get three more. You just don't do that. Maybe once in awhile, but let's not make an unreasonable statement here.

MR. CRIVELLO: Don't you think it is possible?

SENATOR HOLLISTER: I have been fishing for forty years.

MR. CRIVELLO: Senator, I am just bringing a point out. I am just bringing a point out.

CHAIRMAN WILLIAMS: Senator, I think the witness had reference to the man that goes out on Saturday and Sunday.

MR. CRIVELLO: That's what I was talking about. We call them "weekend fishermen".

CHAIRMAN WILLIAMS: I know a boat that went out of San Francisco Bay and only caught one and brought it back, but it was profitable because it happened to be a sixty-six foot whale, but it was only one.

SENATOR HOLLISTER: You only got one?

MR. CRIVELLO: Well, maybe the point I am trying to bring out, I was just hoping that maybe we could have an accurate record of what the sportsmen's catch is. We have an accurate record of the commercial. I hate to attend a meeting where they say the commercial caught ten million fish and the sportsmen only caught one million fish. Make it an accurate record.

SENATOR ERHART: You've told us a lot of things, but you have given us no solution.

MR. CRIVELLO: Well, we were going back to the tagging. Maybe that's a possibility: to have these fish tagged. Maybe the Department of Fish and Game can come up with a solution.

SENATOR ERHART: You mean tag the weekend sportsmen's fish?

MR. CRIVELLO: They have the commercial all figured out on the Fish and Game tag through the buyers. Now I have no solution. It's a problem. The reason I got up here is because I heard the commercial take six to one. It might be that the sportsmen are

taking six to one compared to the commercial. That's the only reason I brought it up.

SENATOR ERHART: Up and down the Coast of California, do we have enough people to tag these weekend fishermen? There are thousands of them.

MR. CRIVELLO: Well, I don't think we should be saying the sports get so much and the commercial. That's the reason I got up here, that it was a six to one take, the commercial.

CHAIRMAN WILLIAMS: Well, Mr. Crivello, the statement was to the effect that the sport take in California would reach probably as high as 150,000 fish, figuring these fellows that go out in little rowboats and take three. I think they said that while it might only be 50,000 on party boats, it would be another 100,000 probably.

Did you have any further questions, Senator, because I want to ask Mr. Crivello a question after you are finished.

SENATOR ERHART: I can't see the idea of tagging these sportsmen who go out in their own boats and catch three fish -- who would do the tagging? Who would tag those fish? In your opinion?

MR. CRIVELLO: Well, I have no solution. It is up to the department to come up with some solution, and they have an accurate record on the commercial take.

MR. SHANNON: The idea, Senator, was more to tag the commercial fish, those fish that were held over, rather than tag the sport fish.

SENATOR ERHART: Well, how are you going to control this fellow who goes out on the weekend then and brings in three and

and then goes out and gets three more? How can you keep him from selling those fish?

MR. SHANNON: The only way you could do it would be -- this is something we have to work out -- would be that no fish would be held in the market. We would have complete control of the tags to begin with. The tags would be accountable, and they would be put on the commercial fish with a warden present, so that any time a fish was in the market, it would have to have this tag on it.

SENATOR ERHART: You mean during the season as well as after.

MR. SHANNON: Well, that's one thing. During the season -- it might have to be during the season, or it might have to be only on those fish that are held over. We were thinking in terms of only on those fish that were held over, but maybe to be really effective it would have to be on all commercial fish, which would increase the problem considerably.

But it wouldn't work, as far as I can see now, by tagging the sport fish, because even though -- you see, that's where we got into the striping thing. We went into striping because we wanted to mark the fish so it would be identified, and they couldn't remove it. The tags they could take off of the fish, and no one would ever know if it was tagged. It would have to be on the reverse end. It would have to be the commercial fish that would have to be tagged.

SENATOR ERHART: Well, then, if you are going to tag the weekend fisherman's fish, you would have to tag those he's going to consume and smoke and eat himself as well as those he's going to



sell?

MR. SHANNON: You are talking about the commercial man now?

SENATOR ERHART: No, the weekend fisherman.

MR. SHANNON: We wouldn't tag the-- As I see it now, we wouldn't tag the sportsman, the fish caught by sports fishermen at all.

SENATOR ERHART: At no time?

MR. SHANNON: No. Because the tag could be removed, and who could tell whether the fish ever had a tag on it?

SENATOR ERHART: Well, then, how are you going to stop him from selling those fish?

MR. SHANNON: Well, the only way would be, is that that if he sold it, the others would have to be tagged --

SENATOR FARR: After the season.

SENATOR ERHART: Well, I am talking about in the season.

MR. SHANNON: Well, now, in the season, if the sports fisherman sold his fish during the season, this is where the problem comes in of tagging during the open commercial season. It might have to be done that way. That is, no fish anywhere in any market could be held, possessed or transported unless it has this tag on it. Then, the commercial fisherman would see that his fish are tagged, so that he could sell them and so that they could be held and transported, but then when the sport fisherman came in, he wouldn't be able to get his fish tagged so he could sell them, theoretically, because we wouldn't

sell him tags, and he couldn't get a tag on his fish unless he took a tag off a commercial fish and put on there, and we would hope that we could get a tag that once it was taken off the fish, it would have to be destroyed. It couldn't be used again. There are problems there, too, but that would be the general jist of the situation. Now, maybe we could start out by-- You see, the big problem--

SENATOR ERHART: Well, listen, Mr. Shannon, wouldn't you run into the same trouble you have today. A man would go into a fish market and leave three fish, and as far as your men were concerned they were just left there to be cleaned or stored, and after you're gone, or the man is gone, why he's cut those fish up.

MR. SHANNON: That's why we were suggesting perhaps that the fish should remain whole and be sliced with the tag still remaining with the tag on the tail, so that as the fish were sliced up, that tag would still be there on the end of the tail.

Now, this is a difficult problem, and this is one of the reasons it hasn't be solved before this.

SENATOR ERHART: Well, suppose that you slice this fish and put it on the tray and put it in your case. You'd have a fish tail over here with a --

MR. SHANNON: Well, supposing though, that you had a whole fish. The whole fish would have to be displayed. As a fellow came into the market, he would take this fish out and slice it.

SENATOR ERHART: That's not the way they sell fish in the fish markets.

MR. SHANNON: Well, I know, but regulations could be established so that they would have to sell them that way, and I

don't think it would cause a great burden on the fellow selling fish. I mean, if he had to take the fish, he could slice that fish in a couple of minutes. Just like people walk in and say, off a loin of pork, I want four or five cuts off of this loin. Of course, they used to do that a lot. Now you go in and buy them in cellophane. But they used to. You go in and pick your piece of meat, and they would chop three pounds off from it or whatever you wanted.

SENATOR ERHART: You would run into opposition as far as the retail business is concerned.

MR. SHANNON: Of course this is a difficult problem, and whether we want to tackle the whole thing or try to work on these two months -- although maybe more fish are sold during the open commercial season -- but the thing that gets people hot is this two-month period in here particularly, where the commercial people feel that the other fishermen, whether they may be commercial or whether they may be sportsmen -- are bringing fish in and bootlegging them during this two months previous to the opening of the commercial season.

CHAIRMAN WILLIAMS: Mr. Crivello, now let me ask you a question: you represent the commercial fishermen, is that right?

MR. CRIVELLO: Right.

CHAIRMAN WILLIAMS: Now, do you have a problem with the man who has the commercial fishing license but in my opinion he is not actually a commercial fisherman, because he makes his livelihood working in a garage or a service station or selling shoes, and only on weekends he actually goes out and commercially fishes.

Do you have a problem with that kind of a man?

MR. CRIVELLO: Not so much that kind of a problem, but it has been my understanding that there have been a few in that category.

CHAIRMAN WILLIAMS: The kind of a man I am talking about?

MR. CRIVELLO: Takes out a commercial license --

CHAIRMAN WILLIAMS: Just so he can bring back as many as he can. He does go out but he only goes out on holidays and weekends.

MR. CRIVELLO: There's a few that do that. It's to pick up some extra money.

UNIDENTIFIED: It only costs him \$15.00 for a commercial license.

MR. CRIVELLO: He can make some extra money on the weekends. There is nothing wrong in that.

CHAIRMAN WILLIAMS: No, but I was wondering if it interfered with the operations of the men that belong to Mr. Crivello's organization, if they felt that he was --

MR. CRIVELLO: There is a possibility in time. It all depends on your supply and demand of your salmon. Now, when there is an abundance of salmon, and they have got too much available. The market is in a position to deal with something cheaper with the commercial fishermen. In other words, he is not too interested in salmon. He has to take a cut in order to sell it.

CHAIRMAN WILLIAMS: Yes, but if the salmon though

-- but if he does cut the business of your organization, your members, it would be in the salmon end of it and not some other type of fishing. Is that right?

MR. CRIVELLO: Just in the salmon, yes.

CHAIRMAN WILLIAMS: Are there any other questions of Mr. Crivello?

MR. BALESTERI: May I say something, Mr. Chairman?

CHAIRMAN WILLIAMS: Yes, but just a second here now. I had planned to call on Mr. Gilchrist next but if he cares to yield the chair to you why I have no objection.

MR. GILCHRIST: Go right ahead.

CHAIRMAN WILLIAMS: All right then come up, please. Thank you very much, Mr. Crivello.

SENATOR FARR: Can I ask one question of Mr. Crivello?

CHAIRMAN WILLIAMS: Yes, just a minute, Mr. Crivello. Senator Farr has a question.

SENATOR FARR: You mentioned this "weekend fisherman" who sells, the sports fisherman, who sells three or four salmon. There are many, many sports fishermen in Monterey Bay. Would you say it was a small percentage, a very, very small percentage of people who do carry on these bootleg activities?

MR. CRIVELLO: Yes, that's correct, because what happens is you get-- let's say -- well, like we were talking about tourist people -- after all, there's three salmon, and if you get



salmon, twenty, twenty-five pounds. That is a lot of fish to bring home. So, he'll probably take one and peddle it, too. He takes it to the market.

SENATOR ERHART: What percentage of the people do that?

MR. CRIVELLO: Well, it's pretty hard to get a percentage. It's a problem. Let's put it that way. It is pretty hard to get a perfect percentage, because we haven't made an actual study to get a percentage.

SENATOR FARR: Mr. Chairman, I hope we will be able to hear from Mr. Kelley on that thing, because I think by and large it's a problem of a lot of people coming in, tourists from other areas, and not so much our sportsfishermen here in Monterey County. I hope we can hear from Mr. Kelley.

CHAIRMAN WILLIAMS: All right, and thank you very much, Mr. Crivello.

Now, you are the gentleman who had a statement that you wanted to make? Would you give your name, please?

SAL. J. BALESTERI, Sam's Fishing Fleet, Monterey

MR. BALESTERI: I am Sal Balesteri, and I am affiliated with Sam's Fishing Fleet at Fishermen's Wharf.

To begin with, your season will open up and naturally we have your sportsmen come down and buy their fishing licenses to go fishing, and as soon as the fishing gets good, we have the commercial man who comes in and buys a sport fishing license to go fishing. Now, the problem that I am trying to find out is whether we want to control the fish that are sold by the sportsmen

or by the commercial man or by whom and when.

I know that the commercial man will go out and fish, and the sportsmen in a like manner fish, and I don't believe wholeheartedly that he takes these fish home and sells them. The sportsmen likewise will retain some of their fish. Most of these people come from the valley area, and I think they have their connections back in the valley where they dispose of their salmon. That is when the commercial season is closed, and the sports season is open.

Now one of the things that bothered me in Mr. Shannon's statement was that if you go ahead and tag these fish, what happens during the open season? What happens when the commercial season when these people have more places to sell their fish? I mean, if there is no control over the sportsmen that go into the valleys and sell their fish -- Now, I know a lot of them. I am familiar with a lot of these people, and I know dog-gone well that they sell these fish in the valley.

I think one solution that I had in mind, Mr. Chairman, was I know that most of the party boat skippers are very cooperative, and if there is some way that they could alleviate this by marking the fish -- I know we used a dye last year, and it was very unsatisfactory, because if they could possibly use a punch of some kind-- I know that the gill on the salmon is very easy to perforate with a punch, and they could be stapled, or possibly -- for the people that go out in their own private boats, there could be a checking-out station where they could not carry the fish in their

automobiles without some kind of a marking that would alleviate that.

But the thing is, I don't think you can blame it all on the sportsmen for selling their fish. I think that the commercial men have a lot to do with it. I know some of these fellows can't even write their names, and they have me fill their fishing licenses for them.

Those are some of the thoughts I have in mind. There is one other thing I wanted to mention also, was the fact that I think the commercial man would protect himself much more if the price of the commercial license were increased, because a lot of these fellows locally here buy the commercial license during the commercial season, and they go out and catch a considerable amount of fish, and they sell them to the markets. The commercial man would be protected an awful lot if he could encourage the Department of Fish and Game to increase the price of the fishing license. For a few dollars, people will go down and buy a license and make a salary on their weekends and their time off, which is in some respects proper, but then I think the commercial man is cutting his own throat. Let's put it that way.

CHAIRMAN WILLIAMS: Well, as far as the Department of Fish and Game is concerned, of course, they can't control the price of the license. That's done by legislation. They tried an increase here a couple of years ago, and they didn't get very far with it.

Just a second. I think there is a question Senator Farr would like to ask you.

SENATOR FARR: As a practical matter, the people who have a sports boat, they also have a commercial license, too, don't they?

MR. BALESTERI: I would say in this area there are close to a thousand boats, and I would easily say at least seventy-five percent have a commercial license.

SENATOR FARR: Are these party boats?

MR. BALESTERI: No, privately-owned boats.

SENATOR FARR: Well, I am talking about party boats.

MR. BALESTERI: Oh, excuse me. There are sixteen party boats in this area.

SENATOR FARR: Do the owners of those boats have a commercial license?

MR. BALESTERI: No, no, they don't. Definitely not, because they concentrate on taking out their sportsmen on party boat fishing.

SENATOR HOLLISTER: May I ask a question? Why doesn't a party boat operator carry a commercial license?

MR. BALESTERI: Because it is unlawful to fish from a party boat with a commercial license if you are carrying passengers for hire.

SENATOR HOLLISTER: I know, but when the passengers are off the boat --

MR. BALESTERI: Well, I think in that respect you are hurting yourself, because we concentrate on the people coming back, or encouraging the fishing. In other words, there are times

when we can take people out-- Or, I mean, we can go out on our own commercially and possibly make more money than taking a party, party people, out, but, however, I believe in the long run you might have these people coming back -- in other words, you try to increase your business and build it up. Have the customer come back and go fishing with you again. So, the times when fishing might be slow that man might be coming back, and I think in the long run you are further ahead by concentrating on your party boat business.

CHAIRMAN WILLIAMS: Senator Hollister?

Senator Erhart, any questions?

Thank you very much.

Senator Farr, I had wanted to call on Mr. Gilchrist, but if you --

SENATOR FARR: That's all right.

CHAIRMAN WILLIAMS: That's all right, and we will have Mr. Kelley later?

SENATOR FARR: Fine.

CHAIRMAN WILLIAMS: Fine. Mr. Gilchrist.

JOHN GILCHRIST, Northern California Seafood Institute

MR. GILCHRIST: My name is John Gilchrist. I am employed by the Northern California Seafood Institute, and I represent them. I would like to point out that I represent every processor in this area.

In addition to that, Mr. Chairman and members of the committee, in order to give you a little bit of a background on this whole situation which I think has been magnified completely, I



would like to say that there are two organizations here in the state that are now recognized for their work in the salmon field. The first is the Aquatic Resources Committee. It so happens that Mr. Kohlhauf and I were the founders of that organization. There were two other men in it, but Mr. Kohlhauf was with me when we founded it. The second was Salmon, Unlimited.

Now, those two organizations were formed for the purpose of preserving and enhancing the salmon resource, and their objective is very simple. What they want is more salmon for the sportsmen, individual catch, and more salmon for the commercial men. In other words, we don't believe in bag limits and things like that. We want more fish for everybody and that's what we're trying to do.

I point this out because in addition to my actual employment, where I am a paid representative, I am also privileged to speak for Aquatic Resources and for the Tyee Club of San Francisco. Now, both of those are major organizations. Tyee is one of the wealthiest and one of the largest in the state, and they are only salmon. Their objectives are identical to ours, and that was the reason that it doesn't seem peculiar that I am wearing two hats and representing both sports and commercial, but I am for the reason that our objectives are identical.

Now, I would like to point out to the committee that this ridiculous situation of tagging is not new. I would also like to state this: that in every instance that this has come up it has originated not with the department but with the wardens in the field,

and their prime purpose in such recommendations is to assist them to pinch people that they can't catch at the present time. And it's as simple as that.

Now, I think you will find in legislative records that about six years ago this whole thing started with a warden by the name of Gray up in Eureka. He had this idea in the back of his head, and he was bent on trying to sell the idea. And year after year, the Department simply pulled the string on it and wouldn't have anything whatsoever to do with these recommendations. As a consequence, when I came down here today prepared to have a very pleasant and calm discussion, I suddenly find myself in the midst of this old tagging situation.

Well, to look at this problem in its correct perspective: what you are really talking about in this small area where they have an enforcement problem -- Now, mind you, I had lunch, Gentlemen, if you please, with two of our major representatives today. They had no complaints whatsoever about bootlegging of salmon in the off-seasons -- none whatsoever, nor have I heard any single one of my representatives -- my members -- that we have any complaints.

It should be -- I would like to stress, because this has been misunderstood -- not by the Committee -- but by certain sports interests -- that the commercial interest does not recommend any changes whatsoever in the sports take, in the sports season, in the take of salmon at this time. We have no policy and no recommendations. And that was agreed.

We have probed these problems brought to these two committees, and both sports, commercial, and the unions, with our own biologist, thrash out the problems, and we have reached these understandings over a number of years now. And it's a very nice working relationship.

Now, what we are really talking about down here is a very, very small amount of fish that is caught by sportsmen during the closed season on salmon, and they are actually bootlegged. It doesn't mean anything when you compare it in relation to the total take on the state basis. It is so small that it is just inconsequential. Yet here we have the department coming in, if you please, and they are going to shoot a deer to get a tick that's on the deer. Well, that's hardly reasonable that they would be so silly as to even propose a thing like that, because, in the first place, please remember that at the start of the season, of our commercial season, your fish are generally small. Last year, you will recall, we had a lot of problems with the fish because they were white and not pink. They are the smaller sized fish, and as we go on through the season, particularly after July, then your fish get -- then you get into your larger categories of fish that become highly advantageous.

Now, the problem, Gentlemen, is not sportsmen who are catching salmon in the closed commercial season and bootlegging them. The real problem, if you want to look at it, and I think you, Senator Williams, hit the thing when you were speaking about the so-called weekend fishermen who go out and buy a ten-dollar commercial license and are actually competing with the

commercial fisherman himself. It isn't the weekend man so much as -- and I don't want to pinpoint this category; I am only using it as an example because it comes to me first -- For instance, a school teacher who has a three-month's period, and he goes out and buys a twenty-foot Glasspar boat with a twenty-five horsepower out-board engine that's built for going out into the ocean, and he actually engages over a protracted period of time in commercial fishing, and he is competing with the commercial men. Now, we have no objection to what he is trying to do, because after all we are interested in bringing new blood into the fishing industry, too. We have-- that's a problem with us: getting younger people fishing. But what we do object to there is that invariably he will cut the market price. He starts with his boat down in Morro Bay, or north of Morro Bay, and he follows the fish from there to Monterey to San Francisco to Fort Bragg to Eureka, and he's got it on a trailer, and wherever the fish is, there he goes, you see. Now, that has been a problem that legislative committees have considered for years. We have come up with every single kind of a device that we would possibly think of to try and correct that particular situation, and at no time to my knowledge during the past ten years have we ever arrived at a solution as to how that can be controlled, and, believe me, we've had lots and lots of conferences on that particular subject. We have never arrived at a solution.

It is rather silly to suggest that the only way you can stop that guy is to increase the commercial man's sport license. Well, that's not going to help anything, because all you are



doing is penalizing the commercial man for this man's operations, and he still is only a small segment of the industry as a whole.

Other things -- and I am not going to bore the committee with these things -- but other things that you have got to take into consideration is that a very good poundage of our salmon right at the present time, the smoked, a very heavy percentage of it is brine-cured, where they fillet the whole side, you see, and then they cure it in brine and it is shipped East in giant barrels. That's a thriving industry. The salmon is pickled. And then a very good percentage of the salmon does come in at the end of the season. Now, I'm speaking now of the months of August and September, in which you are getting your larger fish, where they are running 20, 30, 40 pounds.

SENATOR FARR: Excuse me, Mr. Chairman.

CHAIRMAN WILLIAMS: Yes.

SENATOR FARR: I would like to interrupt you, if I may, but has it been given any thought -- I am just thinking out loud on this thing -- possibly your commercial license might be tied to the size of your boat? Now, a man who's a true and legitimate commercial fisherman has a got a boat that's stationed someplace. He hasn't got it on the back of a trailer, and he's not hauling it all over the State of California. It might be that your commercial license might be tied to the size of your boat. Did you ever give that any thought?

MR. GILCHRIST: Yes, we have, Senator, and your answer to that is this: As of today -- Now, for instance -- I am



going to explain it quickly to you -- I go out fishing in a Glasspar boat that carries a 70 horsepower Mercury in it and then a 5 1/2 horsepower Mercury for trolling purposes. That boat will do 28 knots, so that actually speaking I can start out at 7:00 o'clock in the morning, and Eddie's starting out at 5:00 o'clock, I'll get out there just about the same time he will, and I can run back and forth if I wish to, so that some of the commercial men may probably go to the smaller but much faster boats, if they care to. They have done that. That is not a solution.

We have even considered -- and this has come before legislative committees -- that we would try and gear the license to the percentage of time that the individual puts in, in the industry of fishing, and see if we could do it that way. But, again, you are imposing a hardship on some private individual who wants to go fishing. He's got a perfect right to do it if he wants to. We're not concerned with the bootlegger. We are concerned with the person who's cutting-- If this guy would conform with market prices and conduct himself properly, we have no objection to it, I don't think.

Now, I would like to point out to you that the fish that are being bootlegged, one point that was brought out it is true. It is true that most of these fish do go into the valley areas, but they don't go through processors or wholesale houses. They go either directly into the meat market, that is, into the butchershops where they have a fish market, or into the restaurants. But, again, you are only talking in terms of what, my gosh, you're probably down to about one-half of one percent of the total or something like

that, Senator. It's just a--- It doesn't mean anything.

I have made, Gentlemen, while I was sitting here -- if I'd known that this stuff was coming up -- I could have brought up the figures for you, and I could have had the commercial people here to tell you exactly what is going on.

SENATOR HOLLISTER: May I ask a question?

MR. GILCHRIST: Yes, sir.

SENATOR HOLLISTER: Why is it nobody has tried to sell me any salmon, and I like salmon as much as I like any other fish. Nobody has ever offered to sell me salmon or give me any.

CHAIRMAN WILLIAMS: They probably thought you could catch your own, Senator.

MR. GILCHRIST: Yes, Senator; I sympathize with you. But a direct answer, now -- I'll tell you the direct answer, Senator. I have been out fishing in this boat in the last month, and on both occasions we got lost in the fog, and we never did find the salmon.

I'm in the same boat you are in. I am supposed to know something about it, too. At any time that anyone thinks that these sportsmen go out, and just go out and pick up a limit like that and come back in with three fish or twenty pounds, that just isn't done. Where-- Where are the-- Where are Eddie and his boat? Believe me, Mr. Kohlhauf has been years in this business. His knowledge is very valuable. They work by radio, when they finally find the salmon. They work by radio, and they have cute little tricks. If on our boat we call Eddie and say,

"Where are you, Eddie," you get static. You don't hear him.  
But if a close friend of Eddie's -- they have a kind of a little code --  
he says, "What were you doing last night, Joe," and Joe said,  
"I was over at Ethel's," that means he was over at the lightship.

SENATOR O'SULLIVAN: I have a question.

CHAIRMAN WILLIAMS: Yes, Senator.

SENATOR O'SULLIVAN: Mr. Gilchrist, do you  
represent any fishermen, commercial fishermen?

MR. GILCHRIST: Only in this sense, Senator  
O'Sullivan, in that some of our, a number of our commercial  
processors, wholesalers, own their own boats.

SENATOR O'SULLIVAN: Fundamentally, you  
represent the processors of fish. Is that correct?

MR. GILCHRIST: Well, included with that -- this  
whole thing is kind of involved -- I also, part of my membership is  
the California Crab Boat Owners Association. They have about  
two hundred commercial salmon boats out of San Francisco.

SENATOR O'SULLIVAN: Now, to what association  
do they belong?

MR. GILCHRIST: That's the San Francisco Crab  
Boat Owners Association, and they are also members of my  
Institute. We work very closely.

SENATOR O'SULLIVAN: Are you representing them  
here today in your testimony in regard to the tagging of salmon?

MR. GILCHRIST: Well, no. I cannot say that I am.

SENATOR O'SULLIVAN: Well, are you representing

MR. GILCHRIST: But I am speaking for my own.

SENATOR O'SULLIVAN: You are not speaking for any substantial number of actual commercial fishermen. Is that correct?

MR. GILCHRIST: Ah, as of right now, that is correct, Senator. Simply because I didn't consider it necessary. I didn't ask for it, but I know what their thinking is.

Now, Senator, I might explain this to you. In many instance, the fishermen contract with the wholesalers or the processors. They are under contract. Or, in other instances, the processors will actually have their own crews or their own boats. Now, all of the fish, whether it be through the Crab Owner's Association or otherwise -- almost all of them -- I would say 99% of them -- pass through the hands of my membership initially, right off the boat into our plants. So, you see the tagging operation would not be a problem to the fishermen. It would be a problem of mine.

CHAIRMAN WILLIAMS: Any other questions?

All right. You go ahead now, Mr. Gilchrist.

MR. GILCHRIST: I hope you will bear with me, because I've got notes all over this, Senator. I didn't-- I wasn't --

One of the things that Ed recommended, and I want to point out to you, if you were coming-- If you were speaking of your Fall run-- He was a little in error that he was worried about

our asking for an extension, which I am going to present in a second. Actually speaking, your Fall run can run all the way into January, so that by Fall you are not going to have the figures that Eddie was speaking of.

I wanted to point out something that Mr. Shannon thought of. This tagging north of the Mendocino area, that was put in mainly because of the importation of salmon from Oregon, and, again, the wardens wanted that because of this bugaboo of bootlegging. They thought that if they didn't do that sort of thing all the fellows up in Eureka were going to go out bootlegging and bringing in fresh salmon and saying it was coming from Oregon. That's a hardship. As far as he says they do it on catfish, well, of course, catfish is illegal to be caught in the State of California. Today they do it on trout for the same reason. He happened to mention lobsters. Those lobsters are imported from Mexico. We have very little in the way of lobster fishing in California. We have some down around San Diego, but in comparison to what we have here, I would safely say that 85, perhaps higher, the percentage is entirely imported from Mexico, and that's the reason on that. Again, there is not too much of a question of bootlegging in there, because we just don't have the fisheries except down in that particular area.

Now, one of the things that I would like to now present for committee consideration is this: we have known for the last couple of years that the escapement at the hatcheries -- Coleman is operating at capacity right now. They have in excess



of forty million eggs. There are fish up there that are simply being wasted. They are of no value to anybody. There isn't sufficient beds for them to spawn. The hatcheries can't handle any more of the eggs, so the fish are just dying. I advised, knowing that the Pacific Marine Fisheries Commission would be interested in this, I advised the Commission in November -- and I presented a bill last year -- but I advised the Commission in November that we would ask for an extension of the commercial salmon season from the present September 15 to September 30. We believe that it is justified. We believe that the fish that are going to waste stop fishing completely in the Sacramento River so you have no worries as far as escapement from commercial operations in that area is concerned. And we feel that in the interest of conversation, if nothing else, that those fish should be allowed to be put onto the commercial market in a fresh condition.

I have reason to believe, and as Ed pointed out, that it will have no -- I have been so advised that we will have no objection whatsoever from the sportsmen's groups -- on that proposal. And that is one thing, Mr. Chairman, that I would like to formally ask the Committee to consider, as they go over these problems, of extending that season of ours a matter of two weeks. We do not ask any change at the present time in the opening of the salmon season. In the first place, most of the salmon at the opening season are too small, and they are not of a correct color for market use. For some strange reason, the public doesn't seem to like to buy a salmon with a white-ish color.

CHAIRMAN WILLIAMS: What would happen, Mr. Gilchrist, with this agreement with Washington and Oregon if the salmon season were extended from September 15 to September 30?

MR. GILCHRIST: I don't think they have any concern about it at all, Mr. Chairman. I talked to -- during the meetings with the Pacific Marine Fisheries Commission -- I talked to the representative from both Oregon and Washington. They are not concerned. Their only concern was the opening of it --

CHAIRMAN WILLIAMS: Opening day.

MR. GILCHRIST: -- rather than the closing date. I doubt if we would have any opposition from them.

CHAIRMAN WILLIAMS: Any questions of the witness?

SENATOR O'SULLIVAN: I have a question.

CHAIRMAN WILLIAMS: Senator?

SENATOR O'SULLIVAN: Mr. Gilchrist, do you have any idea what it would cost to tag these fish? What it would cost to the processors to tag them?

MR. GILCHRIST: Senator O'Sullivan, I just don't have any idea what it would mean. It conceivably would mean at least one additional employee per plant aside from the cost of the tags themselves.

SENATOR O'SULLIVAN: Do you think that you could make those figures available?

MR. GILCHRIST: Yes, sir. I could. But again I would point out, Senator, with all respect, that I haven't the faintest idea what you would accomplish by tagging.

SENATOR HOLLISTER: There's a question I would like to ask. How can you tag a whole fish when you sell a fish in pieces?

MR. GILCHRIST: Well, we don't-- Of course, we don't cut --

SENATOR HOLLISTER: You can't put a tag on his tail when you are selling the other end of it. What good does it do you?

MR. GILCHRIST: That's right.

SENATOR HOLLISTER: Unless you ran a strip down his whole back so that a piece of purple came off like a potato deal like we had in the Production Marketing Administration. They colored them all purple, but that would look sort of silly on a fish, wouldn't it?

MR. GILCHRIST: Well, for a long time we had the problem of tagging each individual catfish and each individual trout.

CHAIRMAN WILLIAMS: Have you ever tried to tag a trout?

SENATOR HOLLISTER: By tagging him, do you mean painting him or putting on a tag?

MR. GILCHRIST: No, nothing a regular fish won't do.

SENATOR HOLLISTER: You could cut him in half, and one guy buys the tail and the other guy buys the head.

MR. GILCHRIST: Well, they have a rule and regulation that you have to hold the head or hold the box or whatever

he's in to indicate that it was a whole fish.

SENATOR HOLLISTER: Yes, but I mean, suppose you had four heads and six customers. What good does it do you to tag the darn things? I can't see any point in it. Can you, Mr. Chairman?

MR. GILCHRIST: Well, I can't see any point to the whole thing. We're not upset by this situation here, Senator.

SENATOR HOLLISTER: Is there a problem? That's what I'm trying to get at.

MR. GILCHRIST: No, not as far as we are concerned. There isn't a problem. It's that-- Let me put it this way: No, and then the answer is that if a problem does exist, we will look the other way. It doesn't bother us.

SENATOR HOLLISTER: In other words, you are not worried about the private fisherman when he goes out and brings in four fish instead of three?

MR. GILCHRIST: No, sir. The problem is the warden's enforcement, not ours.

SENATOR ERHART: Mr. Chairman.

CHAIRMAN WILLIAMS: Yes, Senator.

SENATOR ERHART: I would like to ask Jack a question, and I think the question has been asked this afternoon but nobody had the answer, and maybe you don't either. What percentage of the salmon caught in California, both commercially and otherwise, are used in the fresh fish market, and what percentage go into other fields of canning and salted down and so forth?

MR. GILCHRIST: We have no canning in California. Senator, I cannot answer that question.

SENATOR FARR: Have you any idea what percentage of your salmon are frozen?

MR. GILCHRIST: At the end of it, toward the end of the season, there is a very heavy percentage of it is frozen, Senator.

SENATOR FARR: I suppose that would depend on what the run is, what the market is, and a lot of other things.

MR. GILCHRIST: That's correct. However, there are certain of our processors that during the-- at the start of the season -- and particularly when the fish get to the size that they can be brine cured, in your brine curing, there's a very heavy tonnage that does go into that brine curing that's shipped to New York.

SENATOR FARR: That wouldn't be any problem. It would only be the frozen.

CHAIRMAN WILLIAMS: Wouldn't your frozen inventory depend largely on the catch of the latest season? One of the other witnesses pointed that out. If you had a big log jam of fish coming in right at the very end of the season, you would have to have an awful lot of cold storage.

MR. GILCHRIST: That's right.

SENATOR ERHART: So if you were going to tag, wouldn't you have to tag the fish that were used for salting down, as you say, and that are not used, sold to the market?



MR. GILCHRIST: Well, I haven't the faintest idea how this thing would work out, Senator, because you've got fish coming in there. It would depend upon what orders they had, whether they would throw them into the freezer, and some they simply put into holding freezers and dump-deep-freeze, in other words, dump-quick-freeze. Again, we have arrived at a situation now where through the use -- and at the permission of the United States Public Health and the State Public Health -- we are resorting to the use of antibiotics for holding these fish. And at times now we find that through proper use of these antibiotics that we can now hold a fish in a fresh state for seven to nine days longer than we can without the antibiotics.

SENATOR ERHART: But all afternoon we have been talking about fish being sold -- as I understood -- fresh fish being sliced and sold to the fish market. But what about the fish that are not sold? It can't all be sold, sliced up and sold by the pound.

MR. GILCHRIST: No, it isn't.

SENATOR ERHART: There might be tons of fish that go for other purposes.

MR. GILCHRIST: That's true. Those fish are sold from the processors in whole, or what we call "in the round", and shipped directly to the market, and it's the market that slices them up.

SENATOR ERHART: Well, they wouldn't have--  
Would they have to be tagged?

MR. GILCHRIST: Well, I just don't know. I still

can't understand what they are being tagged for.

SENATOR ERHART: I guess the reason we discussed that was because they wanted to eliminate the fellow who is bootlegging, and those fish would naturally go in the fresh fish consumption. They wouldn't go to the fellow who was going to salt them down or can them or smoke them or something else.

MR. GILCHRIST: Senator, our people can't be bothered with worrying about three or four fish. I think it was pointed out that it would jeopardize his license and incur a fine. In the first place, he probably has a good supply of salmon right in his freezer at that time. He's not going to play around with that.

SENATOR ERHART: What do you mean? Who's "he"?

MR. GILCHRIST: The processor. Now the restaurant; that's a different story.

SENATOR ERHART: Well, most of the restaurants buy their fish through a wholesaler or jobber, do they not?

MR. GILCHRIST: That's correct, generally through the wholesaler or the broker.

CHAIRMAN WILLIAMS: Well, isn't that one of the problems, though, that we have thrown at us today: prior to the commercial season, the restaurant and the retail store is receiving fish, salmon, and I could see this period of Lent, for instance, where there would be a terrific demand for fish of one kind or another, and the question is: is it the sportsmen bringing them in and selling them, or is it the commercial man fishing ahead of the

commercial season that's doing it?

MR. GILCHRIST: Senator, this fisherman that the warden mentioned that was out there with his outrigger out in the middle of the sports fleet must have been drunk, because no commercial fisherman is about to do anything as silly as all that. Sure, maybe the guy might be old and a little feeble, or something, believe me -- and, of course, you will find infractions such as that in every industry, no doubt of getting away from that one.

MR. BERRY: Well, I have seen it done constantly so far as the commercial men are concerned. Excuse me.

MR. GILCHRIST: Well, maybe you have, but I'll --

MR. BERRY: Some are out on that ocean every day. I see an awful lot of them.

MR. GILCHRIST: Believe me, I have, too, and Eddie has, too. How often have you seen it done, Eddie?

MR. KOHLHAUF: Well, let's say that much. You cannot hold the lawbreaker down, no matter what. A lawbreaker will be a lawbreaker. You have them in industry; you have them in the commercial fishery; you have a whole pack of them. A lawbreaker will be a lawbreaker, and he will find ways and means of getting around.

CHAIRMAN WILLIAMS: Any further questions of Mr. Gilchrist? All right, thank you very much, Mr. Gilchrist.

MR. GILCHRIST: Thank you very much.

CHAIRMAN WILLIAMS: Did you have something more you wanted to add?

MR. GILCHRIST: I would be glad to answer.

CHAIRMAN WILLIAMS: No, I say did you have something more you wanted to add?

MR. GILCHRIST: I don't think so. As far as I -- I will say this, for a matter of record, Senator. My industry will support heavier fines for commercial men who are fishing out of season. We'll support that right away. We'll support Fish and Game immediately when they cut down. If they can catch those guys, we will wish them well and help them, because we certainly don't want --

CHAIRMAN WILLIAMS: All right. Thank you.

SENATOR FARR: Could I ask one question?

CHAIRMAN WILLIAMS: Yes, Senator Farr.

SENATOR FARR: Some of your statements here are contradictory to some of the other witnesses, particularly from this area. We may have a problem here locally, which is not one of state-wide concern and one that your industry has not been bothered with because it may be a relatively small area, but, nevertheless, it would appear to be somewhat of a problem here, because it was pointed out by three or four people that are in the industry right here in Monterey, and I just think for the sake of the record that it ought to be known that there appears to be a problem here locally. It may not be a state-wide problem.

MR. GILCHRIST: Senator, I certainly didn't mean to leave the committee with the impression that I was criticizing locally. What I was trying to say, and I thought I brought it out

initially, that in relation to the whole this problem here is a very small or minute part of the entire picture. But I will come back to say this, Senator, that I believe your problem is one of enforcement rather than a problem of economics, that I thoroughly believe.

SENATOR WILLIAMS: Any other questions of Mr. Gilchrist? Thank you very much, Mr. Gilchrist. I appreciate having you here and having your testimony.

Now, before I call on Mr. Kelley, I want to ask Mr. Shannon a question. Mr. Shannon, has your department considered at any time previous to this about extending the commercial fishing season as suggested by Mr. Gilchrist from September the 15th to September the 30th on salmon?

MR. SHANNON: Yes, we have, and I was going to ask if I could comment on that.

CHAIRMAN WILLIAMS: Yes, would you comment on it?

MR. SHANNON: I think that this should be examined very closely because this is the critical time in which the salmon congregate around the mouths of the rivers for their annual run-up to spawn, and the later you get into the season, the more you take the bigger spawning fish that are congregated to make that spawning run. So, we would like to -- I am not saying that we are against it at this time, and we are not for it -- but I wouldn't want you to get the impression that nobody is opposed to this, or that it doesn't mean anything, because it might very well mean a lot biologically. And before the department would take a stand, we



would like to examine this very closely, because it might have quite an effect on the spawning run of the salmon. And I know Mr. Gilchrist -- if we could come up with enough facts and figures that it might affect the spawning run, he would probably agree with us that it shouldn't be extended and -- although he feels now that it should, and I just wanted to leave the impression with the-- I wanted to inform the committee that this might be a serious consideration.

SENATOR HOLLISTER: One question on that one.

CHAIRMAN WILLIAMS: Yes, Senator.

SENATOR HOLLISTER: I thought we were short of spawning beds, not salmon.

MR. SHANNON: No -- Well, we are. At the present time, the situation is that we have just about enough spawning beds to accommodate approximately 500,000 salmon. Now, up until this year, we've been way below that. We have had spawning beds that -- I mean we have had -- The salmon haven't fully utilized the spawning beds. But if we are going to maintain a salmon population anywheres near it is now, we have to have at least 500,000 acres. I mean, rather, room for 500,000 fish. Do you see what I mean? Now, just because one year there may be only 120,000 fish, we don't want to eliminate those spawning grounds, because if we are going to maintain this resource, we have to have enough room for them to spawn for this size population. Do I make myself clear?

SENATOR HOLLISTER: Well, not exactly, because the testimony we have heard so far has been that due to certain

gravel operations it ruined a lot of beds, and the salmon were falling all over themselves trying to find someplace to spawn without digging out each other's eggs. We had one testimony there where he said you could scoop up a cup full of eggs down at the lower end of the spawning area. Now, let's make this thing jibe a little.

MR. SHANNON: Well, here's the thing: over a period of years, the amount of spawning ground, gravel, has decreased for one reason or another. The construction of dams, water diversions, removal of gravel, and so forth, have decreased these spawning grounds to a point where now they will accommodate about 500,000 fish. All right. Now, if we had been able to maintain more spawning grounds, we would have had more fish. We would have had more fish for the commercial men. We would have had more fish for the sportsfisherman. Now, if we let this 500 -- this capacity for 500,000 go down smaller, then, there are going to be less fish, and this is the situation that you can't build back, because it's a situation where the area that's absolutely necessary for these fish to spawn is gone, and unless you rebuild it, which is an extremely expensive proposition, and we don't know for sure whether this can be done, we've lost that part of the population and will continue to lose it. Now, this last year, our best estimates -- and this is covered by a survey where we actually go out and count the dead fish -- of 480,000 salmon spawned in the Central Valley -- and our estimate is that our spawning beds will take care of 500,000 -- so we are just right at the point

where if these fish should increase, why the spawning grounds is not going to be sufficient to accommodate them. Now, the more we let these spawning grounds decrease, the less fish we are going to have, and there is no building back, because the spawning grounds aren't there.

CHAIRMAN WILLIAMS: Any other questions?

Thank you very much, Mr. Shannon.

MR. SHANNON: I would just like to make one other comment, Senator, for just a second, if I could: there are two different types of tags here, I think, under consideration. When Mr. Gilchrist spoke about the tags that were mentioned on the north coast at one time by Captain Gray, these were tags that proposed a bag limit on the sport take of salmon, which is not quite the same as we are talking about here. And also in the tagging of such fish that we're talking about here, this type of tag and for this reason, this would be in conjunction with record-keeping. In other words, a man, if he had fish in a market which were tagged, he would also have records of whom he bought these fish from, so that he couldn't keep shifting fish in and out and in and out, because he would have to have records that were open and available for inspection. And -- This is a complicated thing that will have to be worked out, and granted, and that's the reason that the problem hasn't -- There's a problem here, and that's the reason it hasn't been worked out before.

CHAIRMAN WILLIAMS: Thank you very much, Mr. Shannon. Now let me ask Mr. Kelley to come forward, please.

Mr. Kelley, would you give your name, please, and your official position for the record?

E. A. KELLEY, California Wildlife Federation

MR. KELLEY: My name is Ernest Kelley. I represent the California Wildlife Federation.

CHAIRMAN WILLIAMS: Sit right down, Mr. Kelley.

MR. KELLEY: Gentlemen, I don't have very much to say.

CHAIRMAN WILLIAMS: You may get some questions thrown at you, so you may say a lot before you're through, but you go right ahead.

MR. KELLEY: In the first place, the California Wildlife Federation met in Bakersfield, and we had no idea of what this program was about, so I was elected as a delegate to represent the CWF here in opposition to any change in the salmon season, which we felt might come up.

In respect to the problem of sports-sale of salmon, as sportsmen, we feel that there is a problem, because it is a reflection on sportsmen. We like to feel that the sportsmen are law-abiding people. However, we can't get away from the bad apple in every barrel. We have them the same as everybody else. And any solution -- We have no solution to offer, or any suggestion, but you can rest assured that the organized sportsmen affiliated with the California Wildlife Federation, will be the first ones to back any solution that you have for this problem.

CHAIRMAN WILLIAMS: Mr. Kelley, one question, if you please. When you met in Bakersfield, did your organization take any action on the proposed plan to not restrict the taking of gravel from the salmon spawning areas but to control it through regulations so that the beds would not be destroyed? Did they take any action on that subject?

MR. KELLEY: I think, Senator, that is a policy of the CWF, to control and not to restrict, but to control, to support the spawning beds.

CHAIRMAN WILLIAMS: I see. All right. Are there any questions of Mr. Kelley? Senator Erhart?

SENATOR ERHART: Don't you think, Mr. Kelley, you might go back to your group and discuss this tagging business further? Maybe your Association might have some ideas in regard to them. Maybe your board is opposed to them, or they might have some ideas on how we might work it.

MR. KELLEY: Yes, I can do that.

SENATOR ERHART: It might give the committee some idea in regard to the thinking of your group, because it is a large group, and I am sure that a great many of them are ocean fishermen. I guess they might not all fish for salmon, but they do a lot of fishing up in those areas up along the northern coast. They certainly would be interested in whatever rules and regulations the commission would adopt or we would adopt by legislation.

MR. KELLEY: Yes, I will take that back to them.



SENATOR ERHART: Did you kick the gravel spawning and the gravel removal problem around quite a bit?

MR. KELLEY: I think that came up some time back, probably in the last year sometime, as I remember it, and it was established as a policy, and I believe the CWF made the recommendation to control the take of aggregate from the streams.

SENATOR ERHART: Because there might be some legislation -- There might be some legislation next January, and we certainly would like to be kept informed as to what you might do.

MR. KELLEY: I am sure the CWF will be interested and will be watching for it.

CHAIRMAN WILLIAMS: Any other questions of Mr. Kelley?

SENATOR FARR: I might ask: do you have any other suggestions with respect to the salmon?

MR. KELLEY: No, I don't believe so.

SENATOR FARR: Thank you.

CHAIRMAN WILLIAMS: All right. Thank you very much, Mr. Kelley. We appreciate having you here and having your testimony.

At this time, I want to have the secretary read into the record the wires that have been received on the subject matter before the committee.

MR. FORD: The first one is a wire from the

Golden Gate Sportfishers, and it's "the Golden Gate Sportsfishers, comprised of all sportfishing boats in the San Francisco Bay Area, Bodega Bay, Santa Cruz and Monterey Bay boats, oppose any change in the salmon regulations at the present time." Signed Golden Gate Sportfishers, Frank E. Sargent, Secretary.

The second is: "The Marin Rod and Gun Club helped develop and endorses the resolution adopted by the Sportsmen's Council of the Redwood Empire, endorsing no change in the salmon fishing regulations at the present time." It's signed Donald Donaldson, Chairman, Salmon Conservation Committee.

The next wire is "The officers and members of the San Francisco Surf Fishing Club oppose any changes in salmon regulations for the year 1960." San Francisco Surf Fishing Club, Frank E. Sargent, Secretary.

And the last, "The San Francisco Tyee Club wishes to go on record against any change in commercial or sports salmon seasons. The service rendered commercial interests by the sports fisherman in advance notice of fish, size, location and conditions prior to opening of commercial season, the cooperative effort in the interest of salmon conservation is paramount in San Francisco Tyee Club."

CHAIRMAN WILLIAMS: All right. Thank you very much, Mr. Ford.

Now, let me ask: is there anyone here in the room who came here to testify that hasn't been called on and does have some statement they wish to make? All right, then, at this time I am going to ask Senator Farr if he has any statement

that he would like to make.

SENATOR FARR: Well, Mr. Chairman, the only statement I have to make is one to thank you, as chairman of the Natural Resources Committee and the other members of the committee and the staff for coming here to Monterey County, and also Mr. Shannon and Mr. Berry, who is in charge of wildlife protection in this area, Captain Howard Shebley and Warden Smith, who has done a very fine job in outdoor education, worked with Hunter Safety and what not in our district. We also appreciate Mr. Davis and Mr. Gilchrist and Mr. Balesteri and Mr. Kohlhauf for being here, as well as the wives and families of the members of the commission.

And I think that as far as our own problem here is concerned, this matter of tagging, I think that a lot of testimony has developed here today and something for all of us to go back and give thought about in the future, and I know that Mr. -- the department will come up with some more information, and I know that the industry itself will.

I also want to thank Mr. Crivello, of the Pacific Coast Marine Fisheries Commission.

CHAIRMAN WILLIAMS: Thank you very much, Senator Farr. Now-- Come right in please.

UNIDENTIFIED: I have a telegram for Mr. Ford.

CHAIRMAN WILLIAMS: Mr. Ford? Yes, bring it right up, and we will read that into the record, too.

Let me say for the benefit of the people in the audience that this committee isn't going to jump right out

and do any drastic recommendations on changes, as far as the regulations on seasons, bag limits, and so forth, are concerned. It is the intent of the committee to bring to you people legislation right down here at your own local bailiwick. Many of you can't get to Sacramento during the Session, and the interim committee program is to bring the Legislature to you. I am very pleased with the testimony that was presented here today. I am sure the committee feels there was some very worthwhile information presented to the committee. And, after all, it's through this bringing out and kicking out in the open problems that we have, different views, that's the way we make our determination, and, in the final analysis, I think the committee would agree with me that legislation is primarily a system of resolving differences among people. Where we have two views on different sides, we try to resolve those difference for the benefit of the two parties involved.

So I make mention of that because I feel that today we have had some very valuable information, and I want to pay a special compliment to Senator Farr, to your people down here for their interest in this program, no matter on what side they might be on. I think that they have presented their views very well, and so I commend them for that, because it's important that the committee have the views of everyone possible to settle some of the problems that we have and to resolve the differences. Now, I will ask Mr. Ford if he will read the telegram, and we'll put that in the record as well.

MR. FORD: "District Council No. 7 of the Associated Sportsmen, comprising some three thousand members, urge there be no changes made in the salmon regulations at this time. J. Von Nostitz, President."

CHAIRMAN WILLIAMS: All right. Thank you very much, and if there is nothing further to come before the committee, I will declare this hearing adjourned. Thank you.